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ACT No. I. OF 1834.

Passed by the Right Hon'ble the Governor General of India in Council on the 20th November 1834.

BE it enacted that all Acts done by the Governor General of India in Council, or by the Vice President of Fort William in Bengal in Council, or in pursuance of any authority given by the said Governor General in Council, or by the said Vice President in Council, between the 22d of April 1834 and the 14th of November 1834, shall be valid and effectual to all intents and purposes, as if the said Acts had been done before the said 22d day of April 1834.

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ACT No. II. OF 1834.

Passed by the Right Hon'ble the Governor General of India in Council on the 20th November 1834.

BE it enacted that each of the Secretaries to the Government of India and to the Government of Fort William in Bengal, shall be competent to perform all the duties and to exercise all the powers which by any Act of Parliament or any Regulation now in force, are assigned to the Chief Secretary to the Government of Fort William in Bengal, and that each of the Secretaries to the Government of Fort St. George and Bombay respectively shall be competent to perform all the duties, and to exercise all the powers, which by any Act of Parliament or any Regulation now in force, are assigned to the Chief Secretaries to the Governments of Fort St. George and Bombay respectively.

1834 to 1839

INDEX

TO THE

ACTS OF THE SUPREME GOVERNMENT.

	Year.	Act.	Section.	Clause.
Assam—see Functionaries.				
Arracan—see ditto.				
Acts—see Government Gazette.				
Badge—Penalty for the Wearing or being accessary to the Wearing of a certain description,..	1835.	XVIII.	II.	
,, Those worn by Servants of individuals to bear the names of their Masters.—Penalty,..	.....	.....	III.	
Cossyah Hils—see Functionaries.				
Cachar—see ditto.				
Chuprass—see Badge.				
Company's Rupees—see Coins, (Copper,) Silver.				
Coins—(Silver), Rules regarding the future coining, issuing and currency of, ...	1835.	XVII.	———	
,, (God), ...				
,, Government competent to prescribe devices and inscription of, ...	.....	.....	X.	
,, (Copper), from the 20th December, 1835, what shall be issued from Mints, ...	1835.	XXI.	I.	
,, To be legal tender for fractions of the Company's Rupees, ...	.....	.....	II.	
,, Limited to fractions of a Rupee, ...	.....	.....	III.	
Criminal Justice—The Governors of Fort William and Agra competent to transfer the duties connected with, from any Commissioners of Circuit to any Session Judge, and to define their powers, ...	1835.	VII.	———	
Commissioners of Circuit—see Criminal Justice.				
Commissioners of Revenue—See Lands lost through public sales, &c.				
Chokees, (Salt) the Governor of Bengal competent to vest the duty of Superintending, in Officers out of the service and to limit their powers, ..	1835.	IX.	I.	
,, Rules when he shall appoint them without the powers of adjudication in respect to cases noticed, ...	1835.	IX.	II.	
,, The powers vested in Superintending Officers of being Civil Servants unaltered, ...	.....	.....	III.	
,, Scale of rewards established for Officers and others making seizures of Salt, ...	.....	.....	IV.	
Contempt—Persons guilty of, how to be punished,..	1835.	XV.	II.	
Functionaries in Assam, Arracan, and Tenasserim placed under the Control and Superintendence of the Sudder Dewanny and Nizamut Adawluts and Sudder Board of Revenue.	1835.	II.	———	
,, in Political charge of the Cossyah Hills or having the Superintendence of the Territory of Cachar placed in Civil and Criminal Cases under the Control and Superindendence of the Sudder Dewanny and Nizamut Adawluts, and in Revenue cases under those of the Sudder Board of Revenue, ...	1835.	VI.	———	

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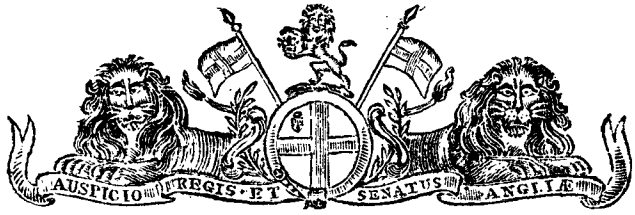
Governor

	Year.	Act.	Section.	Clause.
Governor of Bombay—See Magistrates.				
Government of Bombay—Competency of, to appoint the Assistant Judge of the Zillah Court of Poonah to be Assistant to the Agent for Sirdars in the Deckan, ...	1835.	XIX.	———	
,, See Mahalkarees.				
Government Gazette—The production of any containing an "Act" shall be held in all Courts sufficient proof that such Act has been passed by Government, ...	1835.	X.	———	
Governor of Fort St. George—Civil and Military Officers attached to that Presidency to obey his orders, as if passed by him in his Council during a certain period, ...	1835.	I.	———	
Government of India—Legalizing all acts done by the, or the Vice-President of Fort William in Council, or under their authority between the 22nd of April and 14th November 1834, ...	1834.	I.	———	
Justices of the Peace for the Town of Calcutta—From the 14th March, 1835, the criminal powers of two vested in one such Justice, ...	1835.	IV.	———	
Lands illegally or wrongfully disposed of by public sale, &c. No new claims admissible under Reg. I. 1821, Reg, I. 1823, and Cl. 2, Sec. 10, Reg. I. 1829, ...	1835.	III.	I,	
,, Such claims to be hereafter cognizable in the regular Courts of Justice, ...	.....	.....	II.	
,, The Commissioners and Sudder Board of Revenue to decide all cases pending before them, and the latter to continue to admit and decide, appeals from the decisions of the former—Proviso, ...	.....	.....	III.	
Magistrates—Governor of Bombay competent to appoint to the office of, any Military Officer, ...	1835.	XIV.	———	
Mahalkarees—Governor in Council of Bombay competent to invest the, with Police powers, ...	1835.	XX.	———	
Moonsiffs (District) in Fort St. George, not to receive any Fee or Commission for duties performed by them, ...	1835.	V.	———	
Mints—Government competent to establish, regulate and abolish, ...	1835.	XVII.	X.	
Officers invested with Police powers, proceedings of, how to be conducted and their sentences how to be carried into effect, ...	1835.	XX.	———	
Printing and Publication of Periodical Works, containing public news or comments thereon, &c. &c,—Rule relative to the, ...	1835.	XI.	———	
Printing Presses—Vide Printing and Publication of Periodical Books, &c.				
Persons accused of Offences—Sudder Foujdary Adawlut of Bombay competent to direct that such persons may be tried in any Zilla, ...	1835.	XIII.	———	
Perjury—Persons guilty of, how to be punished,..	1835.	XV.	III,	
Rent—see Sales.				
Revenue—see Sales.				
Regulations IV. of 1829 and IV. 1830 of the Madras Code, rescinded, ...	1835.	XII.	———	
Regulation V. 1802, Sec. XVIII. of the same Code, rescinded from 1st September, 1835,....	1835.	XV.	I,	I.
Regulation V. 1830, part of Sec. 2 and Sec. 3 of, rescinded from 1st November, 1835, ...	1835.	XVI.	———	
Secretaries—Those of the Governments of India, Fort William, Fort St. George and Bombay invested with the duties and powers assigned to the Chief Secretaries to the three last mentioned authorities, ...	1834.	II,	———	

	Year.	Act.	Section.	Clause.
Sales—The power of selling Land in satisfaction of Summary decrees for rent transferred to Collectors, ...	1835.	VIII.	I.	
Sales for the recovery of arrears of rent or revenue by whom to be conducted, and notice how to be given, ...	.....	.....	II.	
Salt—see Chokees, (Salt).				
Sudder Board of Revenue—see Lands lost through public sales, &c.				
Session Judges—see Criminal Justice.				
Sudder Adawlut, Fort St. George—see Witnesses.				
Sudder Foujdarry Adawlut of Bombay—see persons accused of offences.				
Sudder Adawlut—see persons guilty of contempt and perjury.				
Tenasserim—see Functionaries.				
Vice President of Fort William in Council—see Government of India.				
Witnesses summoned by the Sudder Adawlut of Fort St. George not attending or refusing to give evidence, how to be punished, ...	1835.	XV.	I.	II.



ACT No. I. OF 1835.

Passed by the Right Hon'ble the Governor General of India in Council on the 7th January 1835.

BE it enacted that from the day on which the Governor of the Presidency of Fort St. George shall next enter within the limits of the said Presidency till three months shall have elapsed, or till the said Governor shall arrive at the said Presidency, whichever shall first happen; all Officers, Civil and Military, attached to the said Presidency, shall obey such orders as they may receive from the said Governor, and that the orders of the said Governor shall be as valid an authority for any act done by such Officers as the orders of the said Governor in his Council would be.

ACT No. II. OF 1835

Passed by the Right Hon'ble the Governor Generral of India in Council on the 12th January 1835.

BE it enacted that the Functionaries who are or may be appointed in the Provinces of Assam, Arracan and Tenasserim be henceforth placed under the Control and Superintendence, in Civil Cases of the Court of Sudder Dewanny Adawlut, in Criminal Cases of the Court of Nizamut Adawlut, and in Revenue Cases of the Sudder Board of Revenue, and that such Control and Superintendence shall be exercised in conformity with such instructions as the said Functionaries may have received, or may hereafter receive from the Government of Fort William in Bengal.

ACT No. III. OF 1835

Passed by the Right Hon'ble the Governor General of India in Council on the 19th February 1835.

BE it enacted, that no new claims shall be admitted under the provisions of Regulation I. 1821, Regulation I. 1823, and Clause 2, Section X. Regulation I. 1829.

2. And be it enacted, that all such claims shall hereafter be cognizable only in the Regular Courts of Justice, and shall be tried and determined in like manner with all other suits, in conformity with the provisions of the General Regulations, and without reference to the provisions of Regulations referred to in the preceding Section of this Act.

3. And be it enacted, that the Commmissioners and the Sudder Board of Revenue shall investigate and decide all cases pending before them respectively, and that the Sudder Board shall continue to admit and decide Appeals from the decisions of the Commissioners in the same manner as they were empowered to do before the passing of this Act ; Provided that it shall be competent to the Government of the Presidency to transfer any part of the duties aforesaid to any Court or Officer.

ACT No. IV. OF 1835

Passed by the Right Hon'ble the Governor General of India in Council on the 13th March 1835.

BE it enacted that from the 14th day of March 1835, all powers whatever in Criminal Cases which by virtue of any law now in force, may be exercised by two Justices of the Peace for the Town of Calcutta, shall be exercised by one such Justice.

ACT No. V. OF 1835.

Passed by the Right Hon'ble the Governor General of India in Council on the 13th March 1835.

BE it enacted that such parts of any of the Regulations in force, as authorize the District Moonsiffs within the Presidency of Fort St. George to receive any Fee or Commission for duties performed by them, are hereby rescinded; and District Moonsiffs within that Presidency, shall not be entitled to receive any emolument whatever, beyond their fixed monthly allowances.

ACT No. VI. OF 183[illegible]

Passed by the Right Hon'ble the Governor General of India in Council on the 13*th March* 183[illegible]

BE it enacted, that the Functionaries who are or may be appointed to the Political Charge of the Cossyah Hills, or to the Superintendence of the Territory of Cachar, be henceforth placed under the Control and Superintendence, in Civil Cases, of the Court of Sudder Dewanny Adawlut, and in Criminal Cases of the Court of Nizamut Adawlut, and that the Officers so appointed in the Territory of Cachar be placed, in Revenue Cases, under the Control and Superintendence of the Sudder Board of Revenue, and that such Control and Superintendence of the Sudder Court and Board shall be exercised in conformity with such Instructions as the said Functionaries may have received or may hereafter receive from the Government of Fort William in Bengal.

ACT No. VII. OF 1835

Passed by the Hon'ble the Governor General of India in Council on the 8th June 1835

BE it enacted, that it shall be competent to the Governors of the Presidencies of Fort William in Bengal and of Agra respectively, by an order under the signature of the Secretary to Government in the Judicial Department, to transfer any part, or the whole of the Duties connected with Criminal Justice, from any Commissioner of Circuit to any Session Judge, and to define the powers, which shall be exercised by each respectively.

ACT NO. VIII. OF 1835.

Passed by the Hon'ble the Governor General of India in Council on the 8th June 1835.

BE it enacted, that such parts of Clause 7, Section XV. Regulation VII. 1799, of the Bengal Code, and other Regulations in force as vest the Judge of the Dewanny Adawlut with the power of bringing to Sale, in execution of Summary Decrees for Rent, the Talook or other tenure of the defaulter, and so much of Clause 3, Section XXIII. Regulation VII. of 1822, of the same Code, as prohibits the Collectors from selling land in satisfaction of Summary Awards for arrears of Rent which may have accrued thereon, be rescinded, and that the power heretofore vested in the Judges of the Dewanny Adawlut of selling land in satisfaction of Summary Decrees for Rent, be transferred to the Collectors of Land Revenue.

II. And be it enacted, that all Sales for the recovery of arrears of Rent or Revenue, held under Clause 7, Section XV. or Clause 6, Section XXIII. or Section XXV. Regulation VII. of 1799, shall be public, and be conducted by the Collector, his Deputy, or duly authorized Assistant, and that ten days notice shall be given of such Sales, by advertisement, to be stuck up at the Cutcherry of the Zillah Court or local Adawlut, and that of the Collector.

ACT No. IX. OF 1835.

Passed by the Hon'ble the Governor General of India in Council on the 6th July 1835.

I. BE it enacted, that it shall be competent to the Governor of Bengal, whensoever he shall deem it expedient to vest the duty of Superintending Salt Chokees in Officers not being Covenanted Civil Servants, to limit the powers to be exercised by them in such manner as he may be pleased to direct.

II. When the Governor of Bengal shall appoint Superintending Officers of Chokees without the powers of adjudication in respect to cases of alleged violation of the laws for the protection of the Salt Revenue which are declared to be vested in such Officers by Sections XCVI.—CIX., and other provisions of Regulation X. 1819 of the Bengal Code, it shall be competent to the Governor of Bengal to invest with those powers, any Judicial or Revenue Officer of the Government, giving notice thereof in the Government Gazette, and every Officer so invested with the said powers, shall exercise the said powers in all respects as prescribed in Regulation X. 1819, of the Bengal Code, for Salt Agents and Superintending Officers of Chokees.

III. Nothing in this Act contained shall be construed to affect or interfere with the powers vested by the said Regulation or by any other Regulation of the Government of Bengal in Superintending Officers of Chokees being Covenanted Civil Servants.

IV. First.—In modification of the Rule contained in Section LXXXIX. Regulation X. 1819, of the Bengal Code, the following scale of rewards is established for Officers and others making seizures of Salt.

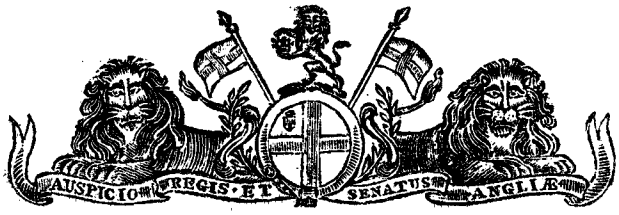
Second.—Upon the adjudication of a forfeiture of Salt, provided the parties concerned in the attempt to evade or violate the law, be likewise convicted, the Officers of the

Salt

Salt Department under the grades of Agent and Superintendent, if they have made the seizure upon information laid, or under orders of their Superiors, shall be entitled to a reward at the rate of 8 annas per maund of Merchantable Salt so adjudged to be forfeited. If the parties concerned be not discovered and convicted, the reward to the Salt Officers shall be only at the rate of 5 annas per maund.

Third.—If Salt be seized by any Subordinate Officers of Government possessing authority to make seizures without information from others or orders from their Superior, the rewards shall be at the rate of one rupee per maund if the offenders be convicted, and 8 annas if no offenders be convicted.

Fourth.—Informers, whether Officers of Government or not, shall, on the adjudication of Salt to forfeiture that may have been seized on their information, receive 8 annas per maund if the offenders be convicted, and 5 annas if there be no conviction.



ACT No. X. OF 1835.

Passed by the Hon'ble the Governor General of India in Council on the 6th July 1835.

BE it enacted, that the production of a Government Gazette of any Presidency, containing an Act purporting to have been passed by the Governor General in Council, shall be held in all Courts sufficient proof that such Act has been so passed.

ACT No. XI. OF 1835.

Passed by the Hon'ble the Governor General of India in Council on the 3rd August 1835

I. BE it enacted, that from the Fifteenth day of September 1835, the four Regulations, hereinafter specified, be repealed.

1st.—A Regulation for preventing the establishment of Printing-presses, without license, and for restraining under certain circumstances, the circulation of printed books and papers, passed by the Governor General in Council on the 5th April, 1823.

2d.—A Rule, Ordinance, and Regulation for the good order and civil government of the Settlement of Fort William in Bengal, passed in Council 14th March, registered in the Supreme Court of Judicature, 4th April, 1823.

3d.—A Rule, Ordinance, and Regulation for preventing the mischief arising from the printing and publishing Newspapers, and Periodical and other books and papers by persons unknown, passed by the Hon'ble the Governor in Council of Bombay, on the 2d day of March, 1825, and registered in the Hon'ble the Supreme Court of Judicature at Bombay, under date the 11th of May, 1825.

4th.—A Regulation for restricting the establishment of Printing-presses and the circulation of printed books and papers, passed by the Governor of Bombay in Council on the 1st of January, 1827.

II. 1st.—And be it enacted, that after the said Fifteenth day of September, 1835, no printed Periodical work whatever, containing public news or comments on public news, shall be published within the Territories of the East India Company, except in conformity with the rules hereinafter laid down.

2d.—The Printer and the Publisher of every such Periodical work shall appear before the Magistrate of the jurisdiction within which such work shall be published, and shall make and subscribe in duplicate the following declaration:

"I, A. B., declare that I am the Printer (or publisher, or Printer and Publisher) of the Periodical work entitled ———— and printed (or published, or printed and published) at ————." And the last blank in this form of declaration, shall be filled up with a true and precise account of the premises where the printing or publication is conducted.

3d.—As often as the place of printing or publication is changed, a new declaration shall be necessary.

4th.—As often as the Printer or the Publisher, who shall have made such declaration as is aforesaid, shall leave the Territories of the East India Company, a new declaration from a Printer or Publisher, resident within the said Territories, shall be necessary.

III. And be it enacted, that whoever shall print or publish any such Periodical work, as is hereinbefore prescribed, without conforming to the rules hereinbefore laid down, or whoever shall print or publish, or shall cause to be printed or published any such Periodical work, knowing that the said rules have not been observed with respect to that work, shall, on conviction, be punished with fine to an amount not exceeding Five Thousand Rupees, and imprisonment for a term not exceeding two years.

IV. And be it enacted, that each of the two originals of every declaration so made and subscribed, as is aforesaid, shall be authenticated by the Signature and Official Seal of the Magistrate before whom the said declaration shall have been made, and one of the said originals shall be deposited among the Records of the Office of the said Magistrate, and the other original shall be deposited among the Records of the Supreme Court of Judicature, or other King's Court within the jurisdiction of which the said declaration shall have been made: And the Officer in charge of each original shall allow any person to inspect that original on payment of a fee of One Rupee, and shall give to any person applying a copy of the said declaration attested by the Seal of the Court which has the custody of the original, on payment of a fee of Two Rupees.

V. And be it enacted, that in any legal proceeding whatever, as well Civil as Criminal, the production of a copy of such a declaration, as is aforesaid, attested by the Seal of some Court empowed by this Act to have the custody of such declarations, shall be held (unless the contrary be proved) to be sufficient evidence, as against the person whose name shall be subscribed to such declaration that the said person was Printer, or Publisher, or Printer and Publisher, (according as the words of the said declaration may be) of every portion of every Periodical work whereof the title shall correspond with the title of the Periodical work mentioned in the said declaration.

VI. Provided always that any person, who may have subscribed any such declaration as is aforesaid, and who may subsequently cease to be the Printer or Publisher of

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the Periodical work mentioned in such declaration, may appear before any Magistrate and make and subscribe in duplicate the following declaration:

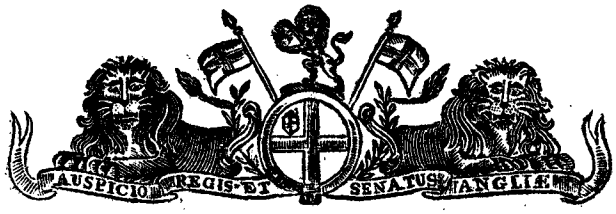
"I, A. B., declare that I have ceased to be the "Printer or (Publisher, or Printer and Publisher,) of the Periodical work entitled ————————." And each original of the latter declaration shall be authenticated by the Signature and Seal of the Magistrate before whom the said latter declaration shall have been made, and one original of the said latter declaration shall be filed along with each original of the former declaration: —and the Officer in charge of each original of the latter declaration, shall allow any person applying to inspect that original on payment of a fee of One Rupee, and shall give to any person applying a copy of the said latter declaration attested by the Seal of the Court having custody of the original, on payment of a fee of Two Rupees:—and in all trials in which a copy, attested as is aforesaid, of the former declaration, shall have been put in evidence, it shall be lawful to put in evidence a copy, attested as is aforesaid, of the latter declaration: and the former declaration shall not be taken to be evidence that the declarant was, at any period subsequent to the date of the latter declaration, Printer or publisher of the Periodical work therein mentioned.

VII. And be it enacted, that every book or paper printed after the said Fifteenth day of September 1835, within the Territories of the East India Company, shall have printed legibly on it, the name of the Printer and of the Publisher, and the place of printing and of publication; and whoever shall print or publish any book or paper otherwise than in conformity with this rule, shall, on conviction, be punished by fine to an amount not exceeding Five Thousand Rupees, and by imprisonment for a term not exceeding two years.

VIII. And be it enacted, that after the said Fifteenth day of September 1835, no person shall, within the Territories of the East India Company, keep in his possession any Press for the printing of books or papers who shall not have made and subscribed the following declaration before the Magistrate of the jurisdiction wherein such Press may be; and whoever shall keep in his possession any such Press without making such a declaration, shall, on conviction, be punished by fine to an amount not exceeding Five Thousand Rupees, and by imprisonment for a term not exceeding two years.

"I, A. B., declare that I have a Press for printing at ————————." And this last blank shall be filled up with a true and precise description of the premises where such Press may be.

IX. And be it enacted, that any person who shall, in making any declaration under the authority of this Act, knowingly affirm an untruth, shall, on conviction thereof, be punished by fine to an amount not exceeding Five Thousand Rupees, and imprisonment for a term not exceeding two years.



ACT NO. XII. OF 1835.

Passed by the Hon'ble the Governor General of India in Council on the 3rd August 1835.

BE it enacted, that Regulation IV. 1829, of the Madras Code, entitled a Regulation for annulling the Sunnuds-i-Milkeut Istimrar issued for the Zemindarees of Nozeed and Ellore, in the Zillah of Masulipatam, and for empowering the Government to issue new Sunnuds for the same—and Regulation IV. 1830, of the same Code, entitled a Regulation for suspending the Provisions of the Regulation IV. 1829, be rescinded.

ACT No. XIII. OF 1835.

Passed by the Hon'ble the Governor General of India in Council on the 3rd August 1835.

BE it enacted, that it shall be competent to the Court of Suddur Fouzdarry Adawlut for the Presidency of Bombay to direct, that any person accused of any offence, and subject to the jurisdiction of the Courts of the East India Company, may be tried in any Zillah of the said Presidency.

ACT NO. XIV. OF 1835.

Passed by the Hon'ble the Governor General of India in Council on the 3rd August 1835.

BE it enacted, that it shall henceforth be competent to the Governor of Bombay in Council, by an Order in Council, to appoint any Military Officer in the service of the East India Company, a Magistrate or an Assistant Magistrate in one or more Zillahs, and to confer on any Assistant Magistrate, by a Special Order, any of the powers of a Magistrate.

ACT No. XV. OF 1835.

Passed by the Hon'ble the Governor General of India in Council on the 3rd August 1835.

I. First. BE it enacted, that from the 1st day of September, 1835, Section XVIII. Regulation V. of 1802 of the Madras Code, be rescinded.

Second. Be it enacted, that if a witness duly summoned by the Court of Suddur Udalut of Fort St. George shall not attend, or shall refuse to give evidence, in the manner prescribed by the existing Law, that Court may impose on such witness a fine, not exceeding five hundred Rupees, and may commit him to the Jail of the Zillah Court nearest to the Presidency, until he shall consent to give his evidence in the manner prescribed. And if the said witness shall not pay the fine imposed on him, it shall be lawful for the said Court of Suddur Udalut to direct him to be kept in confinement for a further term not exceeding three months.

II. If any person shall be guilty of contempt of the Court of Suddur Udalut in open Court, the Court may immediately punish the offender by fining him in a sum not exceeding five hundred Rupees, or by committing him to custody in the Jail of the Zillah Court nearest to the Presidency, for a term not exceeding six months.

III. If it shall appear to the Court of Suddur Udalut that any person has been guilty of wilful and corrupt perjury in any matter depending in that Court, that Court may immediately commit the offender to custody, and transmit him to the Zillah Court nearest to the Presidency, in order to his being brought to trial before the Court of Circuit of the Division in which such Zillah Court may be situated; and such person shall be dealt with in the same manner, as if the perjury had been committed within the limits of the local jurisdiction of such Court of Circuit.

ACT NO. XVI. OF 1835.

Passed by the Hon'ble the Governor General of India in Council on the 3rd August 1835.

BE it enacted, that from the 1st of November, 1835, so much of Section II. of Regulation V. of 1830 of the Bengal Code, as provides that persons, instigating and inducing Ryots to evade the performance of their engagements, may be prosecuted for the full amount of the penalty specified in the original agreement of the Ryot, together with all Expences and Costs of the Suit—and Section III. of the same Regulation, providing that persons, contracting for the cultivation of Indigo Plant, who shall wilfully neglect or refuse to sow or cultivate the ground specified in their engagement, shall be deemed guilty of a misdemeanor, and liable to punishment,—be rescinded.

ACT NO. XVII. OF 1835.

Passed by the Hon'ble the Governor General of India in Council on the 17th August 1835.

I. BE it enacted, that from the First day of September 1835, the undermentioned Silver Coins only shall be coined at the Mints within the Territories of the East India Company.—A Rupee, to be denominated the Company's Rupee—a Half Rupee—a Quarter Rupee—and a Double Rupee, and the weight of the said Rupee shall be 180 Grains Troy, and the standard shall be as follows:

11 or 165 Grains of pure Silver,
1 or 15 „ of Alloy,

and the other Coins shall be of proportionate weight and of the same standard.

II. And be it enacted, that these Coins shall bear on the obverse the head and the name of the reigning Sovereign of the United Kingdom of Great Britain and Ireland, and on the reverse the designation of the Coin in English and Persian, and the words "East India Company" in English, with such Embellishment as shall, from time to time, be ordered by the Governor General in Council.

III. And be it enacted, that the Company's Rupee, Half Rupee, and Double Rupee, shall be a legal tender in satisfaction of all engagements, provided the Coin shall not have lost more then Two per Cent, in weight, and provided it shall not have been clipped, or filed, or have been defaced otherwise than by use.

IV. And be it enacted, that the said Rupee shall be received as equivalent to the Bombay, Madras, Furruckabad and Sonat Rupees, and to Fifteen-sixteenths of the Calcutta Sicca Rupee, and the Half and Double Rupees respectively, shall be received as equivalent to the Half and Double of the abovementioned Bombay, Madras, Furruckabad and Sonat Rupees, and to the Half and Double of Fifteen-sixteenths of the Calcutta Sicca Rupee.

V. And be it enacted, tha the Company's Quarter Rupee shall be a Legal Tender only in payment of the fraction of a Rupee.

VI. Provided,

VI. Provided, that if in any contract for the payment of Calcutta Sicca Rupees it shall have been specially stipulated that if payment be made in the Territories of the Madras, Bombay, or Agra Presidency, it shall be made in the Rupees now current in those Presidencies respectively, at a different rate from that above provided with reference to the Calcutta Sicca Rupee, the contract shall be satisfied by payment within those Presidencies of Company's Rupees of the amount of Furruckabad, Madras, or Bombay Rupees so especially stipulated :—Provided also, that if payment of the Principal or Interest of the Public Debt be made for the convenience of Creditors at any Public Treasury other than as stipulated in the Notes and Engagement of the Government, it shall be competent to the Government to make such payments at the same exchange as heretofore.

VII. And be it enacted, that the undermentioned Gold Coins only shall henceforth be coined at the Mints within the Territories of the East India Company.

First. A Gold Mohur or Fifteen Rupee Piece of the weight of 180 Grains Troy, and of the following Standard, vizt.

$\frac{11}{12}$ or 165 Grains of pure Gold
$\frac{1}{12}$ or 15 „ of Alloy.

Second. A Five Rupee Piece equal to a Third of a Gold Mohur.

Third. A Ten Rupee Piece equal to Two-thirds of a Gold Mohur.

Fourth. A Thirty Rupee Piece or Double Gold Mohur—and the three last mentioned Coins shall be of the same standard with the Gold Mohur and of proportionate weight.

VIII. And be it enacted, that these Gold Coins shall bear on the obverse the head and name of the reigning Sovereign of the United Kingdom of Great Britain and Ireland, and on the reverse the designation of the Coin in English and Persian, and the words " East India Company" in English, with such Embellishment as shall from time to time be ordered by the Governor General in Council, which shall always be different from that of the Silver Coinage.

IX. And be it enacted, that no Gold Coin shall henceforward be a Legal Tender of Payment in any of the Territories of the East India Company.

X. And be it enacted, that it shall be competent to the Governor General in Council in his Executive capacity, to direct the coining and issuing of all Coins authorized by this Act; to prescribe the devices and inscriptions of the Copper Coins issued from the Mints in the said Territories, and to establish, regulate, and abolish Mints, any Law hitherto in force to the contrary notwithstanding.

ACT No. XVIII. OF 1835.

Passed by the Hon'ble the Governor General of India in Council on the 9th November 1835.

BE it enacted, that Clause 8, Section 9, Regulation XI. 1806, and Clause 4, Section 30, Regulation XX. 1817, of the Bengal Code, which prohibit the use of a Chuprass or Badge by Peons, or other Servants in the employment of private individuals, be repealed.

And be it enacted, that no person shall wear, or be accessary to the wearing by any other person of any Chuprass or Badge, intended to resemble any Chuprass or Badge worn by Servants of the Government, and every person violating this rule, shall be punishable by fine and imprisonment on conviction, before a Magistrate, as for a misdemeanor.

And be it enacted, that every Chuprass or Badge worn by any person, not being a Servant of the Government, shall bear the name of the party by whom the wearer is employed, and whoever shall wear a Chuprass or Badge, or be accessary to the wearing such Chuprass or Badge, otherwise than in conformity to this rule, shall be punishable by fine and imprisonment on conviction, before a Magistrate, as for a misdemeanor.

ACT No. XIX. OF 1835.

Passed by the Hon'ble the Governor General of India in Council on the 9th November 1835.

BE it enacted, that it shall be competent for the Governor in Council of Bombay, to appoint the Assistant Judge of the Zillah Court of Poonah, to be Assistant to the Agent for Sirdars in the Deckan, and it shall be competent to the Agent for Sirdars, to refer to his Assistant, Original Suits against Sirdars for amounts not exceeding 5,000 Rupees—and in the trial of such Suits, the Assistant shall follow the same rules which are now applicable to the Agent; and every Decree of the Assistant shall be open to an Appeal to the Agent within (30) thirty days from the date of the Decree; and every decision of the Agent on such Appeal, shall be open to a Special Appeal under the Porvision of Chapter XXII. Regulation IV. of 1827 of the Bombay Code, to the Governor in Council, or to the Sudder Adawlut, according as the rank of the Sirdar may subject him to the jurisdiction of either authority, provided such last mentioned Appeal, shall be brought within (90) ninety days after the date of the Decree of the Agent.

ACT No. XX. OF 1835.

Passed by the Hon'ble the Governor General of India in Council, on the 23rd November 1835.

BE it enacted, that it shall be competent to the Governor in Council of Bombay to invest the Mahalkarees or other Officers however designated, exercising the functions of Mahalkarees, with Police Powers within the Towns and Villages under their charge, to the same extent as are possessed by Komavisdars or Mamlutdars.

And be it enacted, that the Proceedings of the Officers invested with Police Powers under this Regulation, shall be conducted according to the Rules prescribed in Chapter V. Regulation XII, 1827, of the Bombay Code; and that the sentences by them awarded shall be carried into effect by the Komavisdars or Mamlutdars in all cases where it cannot be executed at the Station of the Mahalkaree.

ACT No. XXI of 1835.

Passed by the Hon'ble the Governor General of India in Council, on the 7th December 1835.

I. BE it enacted, that from the 20th day of December 1835, the following Copper Coins only shall be issued from any Mint, within the Presidency of Bengal:

1. A pice weighing 100 Grains Troy.
2. A double pice..200 "
3. A pie or one-twelfth of an anna pice } 33⅓ "

with such devices as shall be fixed for the same by the Governor General in Council, according to the provisions of Section 10 of Act XVII. of 1835.

II. And be it enacted, that from the said 20th day of December 1835, the said pice shall be legal tender for $\frac{1}{64}$ of the Company's Rupee, and the said double pice for $\frac{1}{32}$ of the Company's Rupee, and the said pie for $\frac{1}{192}$ of the Company's Rupee.

III. Provided always, that after the said 20th day of December 1835, no Copper Coin shall in any part of the Territories of the East India Company be legal tender except for fractions of a Rupee.

INDEX

TO THE

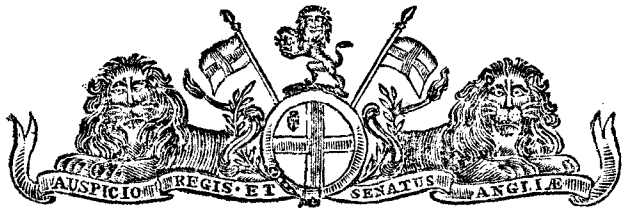
ACTS OF THE SUPREME GOVERNMENT.

	Year.	Act.	Section.	Clause.
Assam—see Functionaries.				
Arracan—see ditto.				
Acts—see Government Gazette.				
Badge—Penalty for the Wearing or being accessary to the Wearing of a certain description,..	1835.	XVIII.	II.	
„ Those worn by Servants of individuals to bear the names of their Masters.—Penalty,..	.....	.....	III.	
Cossyah Hills—see Functionaries.				
Cachar—see ditto.				
Chuprass—see Badge.				
Company's Rupees—see Coins, (Copper,) Silver.				
Coins—(Silver), Rules regarding the future coining, issuing and currency of, ...	1835.	XVII.	———	
„ (Gold), ...				
„ Government competent to prescribe devices and inscription of, ...	.....	.....	X.	
„ (Copper), from the 20th December, 1835, what shall be issued from Mints, ...	1835.	XXI.	I.	
„ To be legal tender for fractions of the Company's Rupees, ...	.....	.....	II.	
„ Limited to fractions of a Rupee, ...	.....	.....	III.	
Criminal Justice—The Governors of Fort William and Agra competent to transfer the duties connected with, from any Commissioners of Circuit to any Session Judge, and to define their powers, ...	1835.	VII.	———	
Commissioners of Circuit—see Criminal Justice.				
Commissioners of Revenue—See Lands lost through public sales, &c.				
Chokees, (Salt) the Governor of Bengal competent to vest the duty of Superintending, in Officers out of the service and to limit their powers, ..	1835.	IX.	I.	
„ Rules when he shall appoint them without the powers of adjudication in respect to cases noticed, ...	1835.	IX.	II.	
„ The powers vested in Superintending Officers of being Civil Servants unaltered, ...	.....	.....	III.	
„ Scale of rewards established for Officers and others making seizures of Salt, ...	.....	.....	IV.	
Contempt—Persons guilty of, how to be punished,..	1835.	XV.	II.	
Functionaries in Assam, Arracan, and Tenasserim placed under the Control and Superintendence of the Sudder Dewanny and Nizamut Adawluts and Sudder Board of Revenue.	1835.	II.	———	
„ in Political charge of the Cossyah Hills or having the Superintendence of the Territory of Cachar placed in Civil and Criminal Cases under the Control and Superindendence of the Sudder Dewanny and Nizamut Adawluts, and in Revenue cases under those of the Sudder Board of Revenue, ...	1835.	VI.	———	

Governor

	Year.	Act.	Section.	Clause.
Governor of Bombay—See Magistrates.				
Government of Bombay—Competency of, to appoint the Assistant Judge of the Zillah Court of Poonah to be Assistant to the Agent for Sirdars in the Deckan, ...	1835.	XIX.	———	
,, See Mahalkarees.				
Government Gazette—The production of any containing an "Act" shall be held in all Courts sufficient proof that such Act has been passed by Government, ...	1835.	X.	———	
Governor of Fort St. George—Civil and Military Officers attached to that Presidency to obey his orders, as if passed by him in his Council during a certain period, ...	1835.	I.	———	
Government of India—Legalizing all acts done by the, or the Vice-President of Fort William in Council, or under their authority between the 22nd of April and 14th November 1834, ...	1834.	I.	———	
Justices of the Peace for the Town of Calcutta—From the 14th March, 1835, the criminal powers of two vested in one such Justice, ...	1835.	IV.	———	
Lands illegally or wrongfully disposed of by public sale, &c. No new claims admissible under Reg. I. 1821, Reg, I. 1823, and Cl. 2, Sec. 10, Reg. I. 1829, ...	1835.	III.	I,	
,, Such claims to be hereafter cognizable in the regular Courts of Justice, ...	.....	.....	II.	
,, The Commissioners and Sudder Board of Revenue to decide all cases pending before them, and the latter to continue to admit and decide, appeals from the decisions of the former—Proviso, ...	.....	.....	III.	
Magistrates—Governor of Bombay competent to appoint to the office of, any Military Officer, ...	1835.	XIV.	———	
Mahalkarees—Governor in Council of Bombay competent to invest the, with Police powers, ...	1835.	XX.	———	
Moonsiffs (District) in Fort St. George, not to receive any Fee or Commission for duties performed by them, ...	1835.	V.	———	
Mints—Government competent to establish, regulate and abolish, ...	1835.	XVII.	X.	
Officers invested with Police powers, proceedings of, how to be conducted and their sentences how to be carried into effect, ...	1835.	XX.	———	
Printing and Publication of Periodical Works, containing public news or comments thereon, &c. &c,—Rules relative to the, ...	1835.	XI.	———	
Printing Presses—Vide Printing and Publication of Periodical Books, &c.				
Persons accused of Offences—Sudder Foujdary Adawlut of Bombay competent to direct that such persons may be tried in any Zilla.	1835.	XIII.	———	
Perjury—Persons guilty of, how to be punished,..	1835.	XV.	III,	
Rent—see Sales.				
Revenue—see Sales.				
Regulations IV. of 1829 and IV. 1830 of the Madras Code, rescinded, ...	1835.	XII.	———	
Regulation V. 1802, Sec. XVIII. of the same Code, rescinded from 1st September, 1835,....	1835.	XV.	I,	I.
Regulation V. 1830, part of Sec. 2 and Sec. 3 of, rescinded from 1st November, 1835, ...	1835.	XVI.	———	
Secretaries—Those of the Governments of India, Fort William, Fort St. George and Bombay invested with the duties and powers assigned to the Chief Secretaries to the three last mentioned authorities, ...	1834.	II,	———	

	Year.	Act.	Section.	Clause.
Sales—The power of selling Land in satisfaction of Summary decrees for rent transferred to Collectors, ...	1835.	VIII.	I.	
Sales for the recovery of arrears of rent or revenue by whom to be conducted, and notice how to be given, ...	.....	.....	II.	
Salt—see Chokees, (Salt).				
Sudder Board of Revenue—see Lands lost through public sales, &c.				
Session Judges—see Criminal Justice.				
Sudder Adawlut, Fort St. George—see Witnesses.				
Sudder Foujdarry Adawlut of Bombay—see persons accused of offences.				
Sudder Adawlut—see persons guilty of contempt and perjury.				
Tenasserim—see Functionaries.				
Vice President of Fort William in Council—see Government of India.				
Witnesses summoned by the Sudder Adawlut of Fort St. George not attending or refusing to give evidence, how to be punished, ...	1835.	XV.	I.	II.



ACT NO. I. OF 1836.

Passed by the Hon'ble the Governor General of India in Council, on the 4th January 1836.

BE it enacted, that it shall be lawful for the Governor in Council of Bombay to employ any portion of the Fees levied under authority of Regulation VI. of 1831* of the Bombay Code, for purposes other than those specified in the said Regulation, any thing in the said Regulation to the contrary notwithstanding.

* A Regulation for raising at the Ports within the limits of the Gulph of Cambay, funds for the support of a Light House upon the Island of Peerim in that Gulph.

ACT No. II. OF 1836.

Passed by the Hon'ble the Governor General of India in Council, on the 11th January 1836.

IT is hereby enacted, that Regulation III. A. D. 1834, of the Bombay Code, be rescinded, with the exception of such part of that Regulation as rescinds preceding Regulations.

And it is hereby enacted, that a Duty at the rate of (1½) one and half per cent. shall be levied on Import into the Island of Bombay, of the Articles enumerated in Appendix A, in addition to the established Sea Customs, and under the same Rules and Regulations as are, or may be made applicable to the collection of the latter.

And it is hereby enacted, that no Drawback of the Duty imposed in the preceding Section be allowed, except on Exportation to the United Kingdom in British Bottoms, of any of the articles subject thereto, in which case, such an amount of Drawback will, if applied for at the period of Exportation, but not otherwise, be allowed, as will reduce the total Duty receivable by Government to (2½) two and a half per cent.

And it is hereby enacted, that no person shall be entitled to recover any money which such person may subsequently to the 1st day of January 1827, have paid to any Officer authorized to receive Duties on Imports, as Duty on Wine or Spirits.

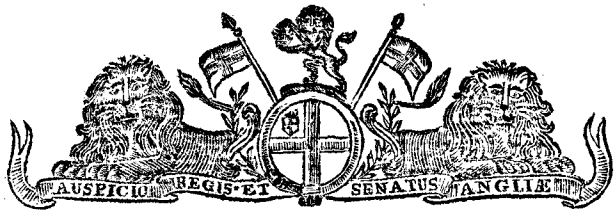
APPENDIX A.

ACT No. II. OF 1836.

APPENDIX A.

Goods imported from the other Presidencies under Certificates of Exemption from Customs at Bombay, excepting those Articles of a like description (such as Ghee, Oil, &c.) not liable to a Duty, when imported from other places unaccompanied by Exempting Certificates.

Oil, except that in use for culinary purposes.	Nutmegs.
Shawls.	Cinnamon.
Wax Candles.	Cassia.
Sugar.	Bhoysing.
Piece Goods.	Cocum.
China Silks.	Tamarinds
Nankeens.	Saltpetre.
Rose Water,	Black pepper.
Sandal Wood.	Cardamums.
Mace.	Wines, in casks,
Cloves.	Wines and Liquors, in bottles.



ACT No. III. OF 1836.

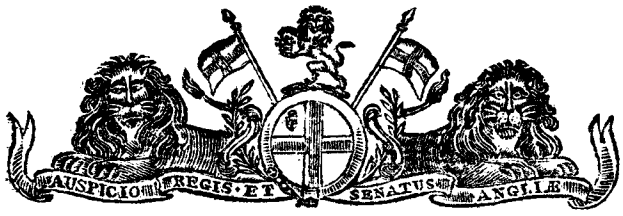
Passed by the Hon'ble the Governor General of India in Council, on the 8th February 1836.

IT is hereby enacted, that from the 10th day of March 1836, all Duties now levied on the import of Cattle into Salsette, whether at the Bunders of the mainland or Salsette, shall be abolished.

ACT No. IV. OF 1836.

Passed by the Hon'ble the Governor General of India in Council, on the 22nd February 1836.

IT is hereby enacted, that the Act of Parliament passed in the 9th Year of King George the Fourth, and entitled An Act to provide for the Relief of Insolvent Debtors in the East Indies until the First day of March 1833," which Act was, by an Act passed in the 2nd Year of King William the Fourth, continued till the First day of March 1836, shall continue to be in force till the First day of March 1839.



ACT No. V. OF 1836.

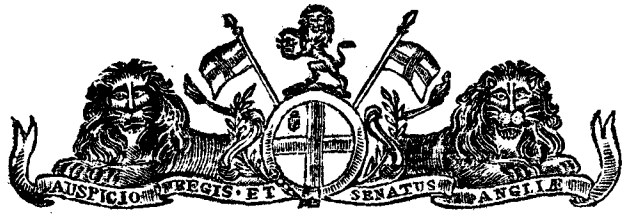
Passed by the Right Hon'ble the Governor General of India in Council on the 7th March 1836.

IT is hereby enacted, that it shall be competent to the Zillah and City Judges within the Presidency of Fort William in Bengal, to refer to the Principal Sudder Ameens subordinate to them, applications for the enforcement of Decrees, to be executed by the said Principal Sudder Ameens, under the Rules prescribed in the General Regulations, applicable to such cases.

ACT No. VI. OF 1836.

Passed by the Right Hon'ble the Governor General of India in Council on the 7th March 1836.

IT is hereby enacted, that it shall be lawful for any Court, by which any person shall be, or shall have been committed to custody under the authority of Section 22, Regulation III. 1802, of the Madras Code, to liberate such person when such Court shall be of opinion that the confinement has been sufficient for the punishment of his offence, and that on person shall, under the authority of the said Section, be kept in custody for a term exceeding two months.



ACT No. VII. OF 1836.

Passed by the Right Hon'ble the Governor General of India in Council, on the 28th March 1836.

I. IT is hereby enacted, that the legality of Acts done and levies made under Regulations III. and IV. of 1817. and VII. of 1818, and IV. of 1821. and XIX. XX., and XXI. of 1827, and XV, of 1828, and XX. of 1830, and II. and XIII. of 1831, and I. and X. of 1833 of the Bombay Code, shall not be questioned in any Court of Law whatever.

II. And it is hereby enacted, that for the future the provisions of Regulations XIX. and XXXII. of 1827, shall constitute the Law for the collection of the several Taxes therein enumerated, and for all purposes for which they were passed.

ACT No. VIII. OF 1836.

Passed by the Right Hon'ble the Governor General of India in Council, on the 28th March 1836.

1. IT is hereby enacted, that from the 31st day of March 1836, no person whatever shall by reason of place of birth, or by reason of descent, be incapable of being a Principal Sudder Ameen, Sudder Ameen, or Moonsiff, within the Territories, subject to the Presidency of Fort William in Bengal.

II. And it is hereby enacted, that every British born subject of the King, or descendant of such British born subject, who shall be appointed a Principal Sudder Ameen, Sudder Ameen, or Moonsiff, shall, in respect of all acts done by him as such Principal Sudder Ameen, Sudder Ameen, or Moonsiff, be liable to the same proceedings, as well Criminal as Civil, and shall be amenable to the jurisdiction of the same Tribunals, as if he were not of British birth or descent.

ACT No. IX. OF 1836.

Passed by the Right Hon'ble the Governor General of India in Council, on the 11th April 1836.

IT is hereby enacted, that the Commanding Officer of any Military Station occupied by Troops in the Service of the East India Company, out of the Territories of the said Company, shall be competent to administer within the limits of such Military Station, any Oath which a Justice of the Peace is competent to administer within the said Territories, and that such Oath shall, in all respects, be of the same effect as if taken within the said Territories, before a Justice of the Peace.

ACT No. X. OF 1836.

Passed by the Right Hon'ble the Governor General of India in Council, on the 11th April 1836.

I. IT is hereby enacted, that Clause Third, Section V. Regulation VI. 1823, of the Bengal Code, be repealed.

II. And it is hereby enacted, that whenever the right to Indigo Plant may be contested, and an order shall be passed, under the provisions of Clause Ninth, Section III. Regulation VI. 1823, of the Bengal Code, for the delivery of Indigo Plant to one of the parties claiming the same, such party shall not be allowed to cut or remove the Indigo Plant until he shall have given sufficient security to the satisfaction of the Court trying the case, to make good any claim that shall be ultimately established to such Indigo Plant, whether arising from a prior right to the produce of the land, or from an arrear of rent due on account of the specific parcel of land from which the Plant may have been produced.

III. And it is hereby enacted, that when a lawful contract shall have been made between a Ryot and another party, by which contract the Ryot shall have bound himself to cultivate Indigo Plant for the other party, or to deliver Indigo Plant to the other party, and when the other party shall have advanced money to the Ryot for the purpose of enabling the Ryot to fulfil such contract, then if any other person, knowing that such contract exists, and that such advance has been made, shall prevail upon the Ryot to break such contract, the party who made the advance, shall be entitled to proceed by Civil action against the person who shall have so prevailed on the Ryot, as well

as against the Ryot, and to recover from him or them, jointly or severally, damages to the extent of the injury sustained, together with costs of Suit.

Provided always, that nothing in this Section contained, shall be construed to give a right of action against any person in consequence of any act which that person may have done for the purpose of procuring payment of a debt, or performance of a lawful contract.

IV. And it is hereby enacted, that the Court trying any Suit instituted under the provisions of Regulation VI. 1823, of the Bengal Code, or under the provisions of this Act, shall be authorized to examine both the Plaintiff and the Defendant whenever the Court shall deem such examination necessary to the ends of justice; and if the award be in favor of the Defendant, to assign to the Defendant a sum which may be a compensation to him for the expense and loss of time occasioned by the proceeding.

V. And it is hereby enacted, that it shall be competent to a Zillah or City Judge, to refer to a Principal Sudder Ameen or Sudder Ameen, according to the amount of their respective jurisdictions, any Suit whether regular or summary, which may be instituted under the provisions of Regulation VI. 1823, or under the provisions of this Act, to be enquired into and decided by the said Principal Sudder Ameen or Sudder Ameen, in the same manner, and under the same rules, as such Suit may be enquired into and decided by a Zillah or City Judge, any thing in the existing Regulations to the contrary notwithstanding.

ASIATIC SOCIETY

ACT No. XI. OF 1836.

Passed by the Right Hon'ble the Governor General of India in Council, on the 9th May 1836.

I. IT is hereby enacted, that from the 1st day of June 1836, the 107th Clause of an Act of Parliament, passed in the 53d year of King George 3d and entitled "An Act "for continuing in the East India Company for a further term the possession of the British "Territories in India, together with certain exclusive privileges:—for establishing fur- "ther Regulations for the government of the said Territories, and the better administration "of justice within the same, and for regulating the Trade to and from the places with- "in the limits of the said Company's Charter," shall cease to have effect within the Territories of the East India Company.

II. And it is hereby enacted, that from the said day and within the said Territories, no person whatever shall, by reason of place of birth, or by reason of descent, be in any Civil proceeding whatever, excepted from the jurisdiction of any of the Courts hereinafter mentioned:—that is to say—

The Courts of Sudder Dewanny Adawlut—of the Zilla and City Judges—of the Principal Sudder Ameens—and of the Sudder Ameens, in the Territories subject to the Presidency of Fort William in Bengal.

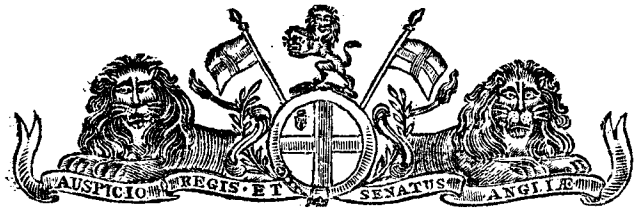
The Court of Sudder Adawlut—the Provincial Courts—the Courts of the Zillah Judges—of the Assistant Judges—of the Registers, and of the Native Judges in the Territories, subject to the Presidency of Fort St. George.

The Courts of Sudder Adawlut—of the Zillah Judges—of the Native Judges—and of the Principal and Junior Native Commissioners in the Territories, subject to the Presidency of Bombay.

ACT No. XII. OF 1836.

Passed by the Right Hon'ble the Governor General of India in Council, on the 23d May 1836.

IT is hereby enacted, that from the 1st day of June 1836, if the holder of a decree passed by the Nuwaub of Furruckabad, under the provisions of Section 8 of Regulation II. of 1803, shall be unable to obtain execution of the said decree by the Nuwaub for a period of six weeks, (which period of six weeks shall be calculated from the said 1st day of June, if the decree were passed before the said 1st day of June, and from the time of passing the decree, if the decree were passed on or after the said 1st day of June), the said holder shall be at liberty to sue out execution of the said decree in the Zillah Court of Furruckabad, and the Judge of that Court on application made to that effect, shall execute the decree in the same manner, in which a decree of the said Zillah Court is executed.



ACT No. XIII. OF 1836.

Passed by the Right Hon'ble the Governor General of India in Council, on the 23d May 1836.

I. IT is hereby enacted, that from the 1st January 1838, the Calcutta Sicca Rupee shall cease to be a legal tender in discharge of any debt, but shall be received by the Collectors of Land Revenue, and at all other Public Treasuries by weight, and subject to a charge of 1 per cent. for re-coinage.

II. And it is hereby enacted, that from the 1st of June 1836, Section V. Regulation XXV. 1817, of the Bengal Code, which provides that "the Pice struck at the "Mints of Benares and Furruckabad, agreeably to the provisions of Regulation X. 1809, "and Regulation VII. 1814, and Regulation XXI. 1816, shall be considered as circula- "ting equally with the Pice of Calcutta coinage throughout the Provinces of Bengal, "Behar and Orissa, and shall in like manner be received as a legal tender in payment "of the fractional parts of a Rupee of the local currency at the rate of Sixty-four Pice "for each Rupee," shall be repealed—and the said Pice shall be a legal tender only within the Provinces and Places for which they were respectively coined, as provided by Regulation X. 1809, Regulation VII. 1814, and Regulation XXI. 1816, respectively.

ACT No. XIV. OF 1836.

Passed by the Right Hon'ble the Governor General of India in Council, on the 30th May 1836.

I. IT is hereby enacted, that from the 1st June next, such parts of Regulations IX. and X 1810, Regulation XV. 1825, and of any other Regulations of the Bengal Presidency, as prescribe the levy of Transit or Inland Customs Duties, or of Town Duties; and likewise the Schedules of Duties and Provisions of any kind contained in these, or any other Regulations for fixing the amount of Duty to be levied upon Goods imported into, or exported from, the said Presidency by sea, shall be repealed:—Provided however, that nothing herein contained shall be construed to prevent the levy of Duties at the rates now in force at the Custom Houses and Chokies established on the line of the Jumna, or on any Frontier line, upon Goods crossing that line for import into, or export from, the Territory of the East India Company by land, nor to affect the Regulations in force for imposing and levying Duties on Salt, the produce of Western and Central India.

Regulations imposing Transit and Town Duties in the interior, and fixing rates of Import and Export Duty on Sea Goods, repealed.

Except as regards the Jumna Frontier Line.

And Duties on Western Salts.

II. And it is hereby enacted, that Duties of Customs shall be levied on Goods imported by Sea into Calcutta, or into any other place within the Provinces of Bengal and Orissa, according to the rates specified in Schedule A. annexed to this Act, and with the exceptions specified therein, and the said Schedule with the Notes attached thereto, shall be taken to be a part of this Act.

Import Duties to be levied according to Schedule A. annexed.

III. And it is hereby further enacted, that Duties of Customs shall be levied upon Country Goods, exported by Sea from any Port of Bengal or Orissa according to the rates specified in Schedule B. annexed to this Act, with the exceptions therein specified, and the said Schedule with the Notes attached thereto, shall also be taken to be a part of this Act.

Export Duties to be collected on Country Goods according to Schedule B. annexed.

IV. And it is hereby enacted, that no Goods or Articles whatsoever, entered in either of the said Schedules as liable to Duty, shall be exempted from the payment of such Duty or of any part thereof, except under special order from the Governor of Bengal—Provided however, that it shall and may be lawful for the Collector of Customs, or other Officer in charge of a Custom House, to pass free of duty, as heretofore, any Baggage in actual use, at his discretion, and in case of any person applying to have Goods passed as such, the Collector acting under the orders of the Board of Customs, Salt and Opium, shall determine whether they be Baggage in actual use, or Goods subject to Duty, under the Rules of this Act.

No Goods entered therein as liable to Duty be exempted, except by order of Government.

But the Collector may pass Baggage belonging to Passengers at his discretion.

V. And it is hereby enacted, that the Rules and Regulations now established for the levy of Duties of Customs on Goods imported into, or exported from

Existing Rules to be enforced for levying the new Import and Export Duties.

from, Calcutta and other Ports of the Presidency of Fort William in Bengal shall continue to be in force, and shall be observed and applied for the levy of the Import and Export Duties imposed by this Act, unless repealed or altered, or repugnant to the provisions thereof.

Place may be fixed by Governor of Bengal, beyond which an inward-bound Vessel is not to proceed until a Manifest has been delivered to Pilot to be forwarded.

VI. And it is hereby enacted, that it shall be lawful for the Governor of the Presidency of Fort William in Bengal, by an Order printed in the *Calcutta Gazette*, to fix a place in any River or Port in Bengal or Orissa, beyond which place it shall not be lawful for any inward-bound Vessel, save and except such Dhoonies and Country Craft as are referred to in Section XXII. of this Act, to pass until the Master or Commander shall have delivered to the Pilot on board, for the purpose of being forwarded by the Public Dawk or otherwise, as may be ordered by the Board of Customs, Salt and Opium, a Manifest made out in the form prescribed by Section 45, Regulation IX. 1810. And it is hereby enacted, that if the Manifest so delivered by the Master and Commander shall not contain a full and true specification of all the Goods imported in the Vessel, the Master or Person in charge thereof, shall be liable to a fine of 1,000 Rs.; and any Goods or Packages that may be found on board in excess of the Manifest so delivered, or differing in quality or kind, or in marks and numbers, from the specification contained therein, shall be liable to be seized and confiscated, or to be charged with such increased Duties, as may be determined by the Board of Customs, Salt and Opium; and if any inward-bound Vessel shall remain outside, or below the place so fixed by the Governor of Bengal, the Master or Commander shall in like manner, deliver to the Pilot so soon as the Vessel shall anchor, a Manifest as above prescribed; and if any Vessel entering a Port for which there is a Custom House established, shall lie at anchor therein for the space of twenty-four hours, the Master and Commander whereof shall neglect to deliver the said Manifest to the Pilot on board, he shall for such neglect, be liable to forfeit the sum of One Thousand Rupees, and no Entry or Port Clearance shall be given for such Vessel, until the fine is paid.

Master to be responsible for its correctness under penalty of Rs. 1,000.

Goods in excess, or not corresponding with Manifest, to be seized and confiscated.

Or charged with increased Duties.

The Masters of Vessels lying below, to deliver Manifests on coming to anchor.

If remaining at anchor 24 hours without sending Manifest to be subject to penalty of 1,000 Rupees.

No Vessel to break bulk unless two copies of Manifest have been received.

VII. And it is hereby enacted, that no Vessel shall be allowed to break bulk until the Manifest described in the preceding Section of this Act, and another copy thereof to be presented at the time of applying for entry inwards, shall have been received by the Collector of Customs, and order shall have been given by the said Collector for the discharge of the Cargo, and the said Collector may further refuse to give such order if he shall see fit, until any Port Clearances, Cocketts, or other papers, known to be granted at the places from which the Vessel is stated to have come, shall likewise be delivered to him.

And entry may be refused until papers of the places of departure are delivered.

Collector may send Custom House Officer on board any Vessel—

To remain on board till she sails.

VIII. And it is hereby enacted, that it shall be competent to the Collector of Customs at any Port of Bengal, or Orissa at his discretion, to send one or more Officers of Customs on board of any Vessel at any time, and the Custom House Officer so sent, shall remain on board of such Vessel by day and by night, until the Vessel shall leave the Port, or until it be otherwise ordered by the Collector of Customs.

Persons refusing to admit Custom House Officers, or not giving them proper accommodation, liable to Fine.

IX. And it is hereby enacted, that any Master or Person in charge of such Vessel, who shall refuse to receive a Custom House Officer on board when so deputed as above provided, or shall not afford such Officer suitable shelter and sleeping accommodation while on board, shall be liable to fine not exceeding the sum of 500 Rupees for each day, during which such Officer shall not be received and provided with suitable shelter and accommodation, which fine shall be adjudged by, and at the discretion of the Board of Customs, Salt and Opium at Calcutta, and the Vessel by the Master or Person in charge of which such fine shall have been incurred, shall not be moved until the same shall be paid.

X. And it is hereby enacted, that whenever a Collector of Customs shall see cause to direct that any Vessel shall be searched, he shall issue his warrant or written order for the same, addressed to the Custom House Officer on board, or to any other Officer under his authority, and upon production of such order, the Officer bearing it shall be competent to require any Cabins, Lockers or Bulkheads to be opened in his presence, and if not opened upon his requisition, to break the same open, and any Goods that may be found concealed, and that shall not be duly accounted for to the satisfaction of the Collector of Customs, shall be confiscated, and any Master or Person in charge of a Vessel, who shall resist such Officer, or refuse to allow the Vessel to be searched when so ordered by the Collector of Customs, shall be liable upon conviction for every such offence, to a fine of 1,000 Rupees, to be adjudged by any Magistrate or Justice of the Peace of the place.

Collector may order a Vessel to be searched.

Bulkheads to be broken open if not opened on requisition.

Any concealed Goods to be confiscated.

Resistance or refusal of Masters punishable with fine of 1,000 Rupees.

XI. And it is hereby enacted, that no Goods shall be allowed to leave any Vessel, or to be put or board thereof, until entry of the Vessel shall have been duly made in the Custom House of the Port, and Order shall have been given for discharge of the Cargo thereof as above provided; and it shall be the duty of the Custom House Officer on board, and of all Officers of Customs to seize as contraband, any Goods which shall have been removed or put on board of any Vessel, in contravention of the above provision, or which any attempt shall have been made to remove from, or to put on board of, any Vessel in contravention of the above provision. And after entry of the Vessel at the Custom House in due form, such part of the Cargo as may not be intended and declared for re-exportation in the same Vessel, shall be sent to land. And Export Cargo shall be laden on board thereof according to the rules and practice now in force, and if an attempt be made to land or put on board Goods or Merchandize in contravention thereof, the Goods or Merchandize shall be liable to seizure and confiscation.

Goods not to be landed or put on board till entry of the Ship is duly made.

Cargo to be sent ashore and laden outwards according to existing forms.

XII. Provided however, and it is hereby enacted, that no Goods shall be allowed to leave any Vessel under the said rules, unless the same be duly manifested, and any Goods found on board in excess of the Manifest, or not corresponding with the specification and description therein contained, shall be seized by the Custom House Officer on board, in order that they may be dealt with as prescribed in Section VI. of this Act; and if Goods entered in the Manifest shall not be found on board the Vessel, or if the quantity found be short, and the deficiency be not duly accounted for, or if Goods sent out of the Vessel be not landed at the Custom House, or at such other Ghaut or place as the Collector of Customs shall have prescribed or permitted, there to be passed in due form, the Master or Commander shall be liable to a penalty not exceeding five hundred Rupees for every missing or deficient package of unknown value, and for twice the amount of Duty chargeable on the Goods deficient and unaccounted for, if capable of being assessed therewith. Provided however, that nothing herein contained, shall be construed to prevent the Collector of Customs from permitting the Master or Commander of any Vessel, to amend obvious errors or to supply omissions from accident or inadvertence by furnishing an amended or supplemental Manifest, but the receiving of such shall always be discretionary.

Goods unmanifested not to be landed in ordinary form.

But to be seized on board.

Master to be answerable that all Goods manifested are forthcoming and duly passed.

Under Penalty of 500 Rupees for each missing package of unknown value or double Duty if assessible.

Rule for presenting an amended or supplemental Manifest.

XIII. And it is hereby enacted, that any Custom House Officer whatsoever who shall demand or accept any gratuity not authorized by any existing Regulation or Order of Government in consideration of doing, or of omitting to do, any act in his Official capacity, shall forfeit for every such offence, the sum of five hundred Rupees, and any person who shall offer a Bribe to any Custom House Officer in order to induce such Officer to act in a manner inconsistent with his duty, shall forfeit a like sum, and these penalties shall be adjudged on conviction

Custom House Officers taking unauthorized Fees or Bribes subject to penalty of 500 Rupees.

Same penalty on persons offering.

conviction before any Magistrate or Justice of the Peace of the Town, District, or Place where the Custom House may be established by such Magistrate, and in default of payment, any person so convicted shall be committed to the Civil Jail of the City or District until the fine be paid, or for a period not exceeding six months.

Collector to investigate and adjudge confiscation;

XIV. And it is hereby enacted, that when Goods shall be seized as contraband and liable to confiscation, the Collector of Customs shall investigate the case, and according to his judgment, shall either release the Goods or adjudge them to confiscation, and whenever he shall declare Goods to be confiscated, he shall report his proceedings for confirmation and final adjudication by the Board of Customs, Salt and Opium. Provided however, that nothing herein contained, shall be construed to prevent the Governor of Bengal from ordering the release of Goods seized, or from remitting any penalty whatsoever that may be incurred for contravention of the Customs Laws.

Board's confirmation necessary.

Twenty or thirty days allowed to clear inwards according to tonnage.

XV. And it is hereby further enacted, that twenty days, exclusive of Sundays and Holidays, shall be allowed for the discharge of the Import Cargo of Vessels not exceeding six hundred tons burthen, and thirty days, exclusive of Sundays and Holidays, for the discharge of the Import Cargo of Vessels exceeding that burthen, and the said periods shall be calculated from the day of the Tide Waiter, or other Custom House Officer first going on board. And if the whole Cargo be not discharged by the expiration of the above stated periods respectively, the Master or Commander shall be charged with the Tide Waiter's or other Officer's Wages and other expences, for any further period that he or they may be detained on board. And if the Owners, Importers or Consignees do not bring their Goods to land within the periods above fixed, it shall be the duty of the Master or Commander so to do. And if any Goods remain on board after the time fixed as above, for the discharge of the Import Cargo, the Collector may order the same to be landed and warehoused for the security of the duties chargeable, and of any freight and primage, and other demands that may be due thereon, giving his receipt to the Master for the same. Provided always, that in all cases it shall be lawful for the Collector, or other Officer in charge of the Custom House, with the consent of the Master of the Vessel, to cause any packages to be brought on shore and to be deposited in the Government Warehouse for the security of the Duties and Charges thereon, although twenty days may not have expired from the entry of such Vessel; and in case Goods so landed and warehoused, or any Goods brought to land from any Vessel, be not claimed and cleared from the Custom House within three months from the date of landing, it shall be competent to the Collector to sell the same on account of the Duties, Freight, and other Charges incurred and due thereon.

After which the Master to pay charges of the Custom House Officer.

Master to land Goods if Consignees do not.

If these fail Collector may land and warehouse.

And may land packages before 20 days with consent of Master.

Further period of 15 or 20 days for continuous lading for export.

XVI. And it is hereby enacted, that a further period of fifteen days, Sundays and Holidays excluded, shall be allowed for putting on board Export Cargo if the Vessel shall not exceed 600 tons burthen, and twenty days, if exceeding that burthen, when the lading and unlading thereof shall be continuous, and the Master or Commander shall in such case, not be charged with the wages and expences of the Custom House Officer on board until after the expiration of such additional periods respectively. And if a Vessel having discharged its Import Cargo shall be laid up, the Custom House Officer on board shall be withdrawn so soon as he shall certify that no Goods remain on board excepting necessary Stores and Articles for use, and when a Vessel so laid up, shall be entered at the Custom House for receipt of Export Cargo, a Custom House Officer shall be sent on board, and if the said last-mentioned Officer shall certify that no Goods are on board saving as above excepted, twenty days, exclusive of Sundays and Holidays as above, shall be allowed from the

If the Vessel be laid up Tide-waiter to search and leave, certifying that it is empty.

20 and 30 days according to tonnage allowed for lading a Vessel outwards after being laid up, but search and certificate that nothing is on board necessary.

date of such certificate for the lading outwards of a Vessel not exceeding 600 tons, and thirty days for Vessels exceeding that burthen, after which periods respectively, the Master and Commander shall be charged with the wages and expences of the Custom House Officer on board to the date of the Vessel's sailing from the Port.

When penalty has been incurred by a Master—
The Collector may refuse Port Clearance of the Vessel till it be paid.

XVII. And it is hereby enacted, that if any person in charge of a Vessel shall have become liable to any penalty, fine or demand, on account of any act or omission relating to Customs, the Collector of Customs shall be competent, subject to the Orders of the Board of Customs, Salt and Opium, to refuse Port Clearance to such Vessel until the fine shall be discharged.

Goods shipped after Port Clearance to pay double Duty, and 5 per Cent if free.

XVIII. And it is hereby enacted, that upon any Goods passed through the Custom House for shipment, the application for which shall be presented after Port Clearance shall have been taken out, double the prescribed Duty shall, in all cases, be levied, and if the Goods be free, five per Cent upon the market value shall be levied thereon.

In case of re-landing for damage, &c., Officer to proceed on board to watch.

XIX. And it is hereby enacted, that when a Vessel having cleared out from any Port shall put back from stress of weather, or it shall for any damage or from other cause, be necessary that the Cargo of a Vessel that has cleared out, shall be unshipped or re-landed, a Custom House Officer shall be sent to watch the Vessel and take charge of the Cargo during such re-landing or removal from on board; and the Goods on board such Vessel shall not be allowed to be transhipped or re-exported, free of duty, by reason of the previous settlement of Duty at the time of first export, unless the Goods shall be lodged in such place as shall be allowed by the Collector of Customs, and shall remain while on land, or while on board of any other Vessels under special charge of the Officers of Customs, until the time of re-export, and all charges attending such custody, shall be borne by the Exporter, or by the Applicant for this advantage. Provided however, that in all cases of return to Port after Port Clearance, on account of damage or for stress of weather, it shall be lawful for the Owner, or for the Master and Commander to re-enter the Vessel and land the Cargo under the rules for the importation of Goods, and the Export Duty shall in that case be refunded, and the amount paid in Drawback be reclaimed, and the Goods be placed in all respects as before being passed for exportation; and if Goods, on account of which Drawback has been paid, be not found on board the Vessel, the Master shall forfeit the entire value thereof, unless he account for them to the satisfaction of the Collector of Customs.

And Cargo not to be exempt from Duty on re-export, unless all the while in charge of Custom House Officers.

Porviso for re-importation when Duties and Drawbacks are to be refunded.

And Master to forfeit the value of Drawback, Goods not forthcoming.

No refund of Export Duty after Port Clearance.

XX. And it is hereby enacted, that when Goods shall be re-landed before the lading of any Vessel is complete and Port Clearance has been granted, the Duty levied upon such Goods, shall be returned to the Exporter, but no refund shall be made of Duty paid on the export of any Goods after Port Clearance shall have been granted for the Vessel on which the Goods were exported, except the Vessel shall have put back for stress of weather or for damage, and the Goods shall have been re-landed under the Rule contained in Section XIX. of this Act.

Arabs and other Foreign Asiatic Vessels to be deemed Foreign.

XXI. And it is hereby further enacted, that Vessels owned by Natives of Arabia and coming from the Ports thereof and likewise the Vessels of any Country or Port of Asia not subject to the Dominion of the King of the United Kingdom of Great Britain and Ireland, excepting Dhoonies and small Craft from the Maldive and Nicobar Islands as herein under provided, shall be deemed Foreign Vessels.

Dhoonies, &c. to be required to anchor in a particular part of the River,

XXII. And it is hereby enacted, that Doonies, Country Craft, and other small Vessels, not brought into the Port of Calcutta by Pilots, shall be required to anchor and moor in such part of the River Hooghly as shall be marked out by

Penalty if not moved said Ghat when required, 100 Rupees.

by the Collector of Customs, with the sanction of the Board of Customs, Salt and Opium; and if any such Vessel shall anchor in any other part of the River than as so marked out, and the Master or Person in charge thereof shall not immediately upon being ordered so to do, move his Vessel to the place marked out, he shall be liable to a fine of 100 Rupees, to be adjudged by the Collector of Customs, and the Vessel, or any part of its Equipment or Cargo may be seized and sold in satisfaction of such fine—and Goods shall be landed from such Vessels and put on board for export according to such rules, and at such places as shall be prescribed by the Collector of Customs, and Vessels of this description coming from the Maldives, or from the Nicobar Islands, shall be considered as British Vessels.

Vessel, its Equipment or Cargo may be seized.

Dhoonies, &c. from Maldives and Nicobars to be British Vessels.

SCHEDULE A.

Rates of Duty to be charged on Goods imported by Sea into any Port of the Presidency of Fort William in Bengal.

No.	Enumeration of Goods.	When Imported on British Bottoms.	When Imported on Foreign Bottoms.
1	Bullion and Coin,..	Free	Free.
2	Precious Stones and Pearls,....	Ditto..	Ditto.
3	Grain and Pulse,..	Ditto..	Ditto.
4	Horses and other Living Animals,.....	Ditto.....	Ditto.
5	Ice,.....	Ditto.....	Ditto.
6	Coal, Coke, Bricks, Chalk and Stones,.....	Ditto.....	Ditto.
7	Books printed in the United Kingdom, or in any British Possession,.....	Ditto	3 per Cent.
8	Foreign Books,.....	3 per Cent..	6 per Cent.
9	Marine Stores, the produce or manufacture of the United Kingdom, or of any British Possession, ...	3 per Cent.. .,...	6 per Cent.
10	Do. do, the produce or manufacture of any other place or country, ...	6 per Cent..	12 per Cent.
11	Metals, wrought or unwrought, the produce or manufacture of the United Kingdom, or any British Possession,.. ..	3 per Cent....	6 per Cent.
12	Metals, do. do. excepting Tin, the produce or manufacture of any other place,.....	6 per Cent..	12 per Cent.
13	Tin, the produce of any other place than the United Kingdom, or any British Possession,.....	10 per Cent.....	20 per Cent.
14	Woollens, the produce or manufacture of the United Kingdom, or any British Possession,..	2 per Cent....	4 per Cent.
15	Do. the produce of any other place or country,.....	4 per Cent....	8 per Cent.
16	Cotton and Silk Piece Goods. Cotton Twist and Yarn, the produce of the United Kingdom, or of any British Possession, ...	3½ per Cent....	7 per Cent.
17	Do. the produce of any other place,.....	7 per Cent..	14 per Cent.

Opium,

No.	Enumeration of Goods.	When Imported on British Bottoms.	When Imported on Foreign Bottoms.
18	Opium,.....	24 ~~Rs~~ per Seer of 80 Tolas,.....	24 ~~Rs~~ per Seer of 80 Tolas.
19	Salt,.....	~~Rs~~ 3-4 per Md. of 80 Tolas per Seer.	~~Rs~~ 3-4 per Md. of 80 Tolas per Seer.
20	Alum,.....	10 per Cent.....	20 per Cent.
21	Camphor,.....	10 per Cent.....	20 per Cent.
22	Cassia,.....	10 per Cent.....	20 per Cent.
23	Cloves,.....	10 per Cent.....	20 per Cent.
24	Coffee,.....	7½ per Cent.....	15 per Cent.
25	Coral,.....	10 per Cent.....	20 per Cent.
26	Nutmegs and Mace,.....	10 per Cent.....	20 per Cent.
27	Pepper,.....	10 per Cent.....	20 per Cent.
28	Rattans,.....	7½ per Cent.....	15 per Cent.
29	Tea, ...	10 per Cent.....	20 per Cent.
30	Vermillion,.....	10 per Cent.....	20 per Cent.
31	Wines and Liqueurs,.....	10 per Cent.....	20 per Cent.
32	Spirits, Consolidated Duty, including that levied heretofore thro' the Police of Calcutta..... And the Duty on Spirits shall be rateably increased as the strength exceeds of London proof, and when imported in bottles, five quart bottles, shall be deemed equal to the Imperial Gallon.	9 As. per Imperial Gallon,.....	16 As. per Imperial Gallon.
33	All Articles not included in the above enumeration,.....	3½ per Cent,.....	7 per Cent.

And when the Duty is declared to be ad valorem, it shall be levied on the Market value without deduction, and if the Collector of Customs shall see reason to doubt whether the Goods come from the Country from which they are declared to come by the Importer, it shall be lawful for the Collector of Customs, to call on the Importer to furnish evidence as to the place of manufacture or production, and if such evidence shall not satisfy the said Collector of the truth of the declaration, the Goods shall be charged with the highest rate of duty, subject always to an appeal to the Board of Customs, Salt and Opium.

And upon the Re-export by Sea of Goods imported, excepting Opium and Salt, provided the re-export be made within two years of the date of import as per Custom House Register, and the Goods be identified to the satisfaction of the Collector of Customs, there shall be retained one-eighth of the amount of Duty levied and the remainder shall be repaid as Drawback. And if Goods be re-exported in the same Ship without being landed (always excepting Opium and Salt, in regard to which the special rules in force shall continue to apply) there shall be no Import Duty levied thereon.

SCHEDULE B.

Rates of Duty to be charged upon Goods exported by Sea from any Port or Place in the Presideney of Fort William in Bengal.

No.	Enumeration of Goods.	Exported on British Bottoms.	Exported on Foreign Bottoms.
1	Bullion and Coin,.....	Free	Free.
2	Precious Stones and Pearls,..	Ditto.....	Ditto.

Books

No.	Enumeration of Goods.	Exported on British Bottoms.	Exported on Foreign Bottoms.
3	Books printed in India,.....	Free.....	Free.
4	Horses and Living Animals,..	Ditto.....	Ditto.
5	Opium purchased at Government Sales in Calcutta,.. .	Ditto.....	Ditto.
6	Cotton Wool exported to Europe, the United States of America, or any British Possession in America,....	Ditto.....	8 As. p. Md. of 80 Tolas to the Seer.
7	Ditto ditto exported to places other than above,.....	As. 8 p. Md. of 80 Tolas p. Seer.....	As. 16 p. Md. of 80 Tolas to the Seer.
8	Sugar and Rum exported to the United Kingdom, or to any British Possession,.. .	Free.....	3 per Cent.
9	Ditto exported to any other place,.....	3 per Cent.....	6 per Cent.
10	Grain and Pulse of all sorts,..	1 Anna per bag not exceeding 2 Mds. of 80 Tolas to the Seer, or if exported otherwise than in bags, ½ an Anna per Md., ...	2 As. per bag not exceeding 2 Mds. of 80 Tolas to the Seer, or if exported otherwise than in bags, 1 Anna per Maund.
11	Indigo.....	Rs. 3 p. Md. of 80 Tolas to the Seer,.....	Rs. 6 p. Md. of 80 Tolas to the Seer.
12	Lac Dye and Shell Lac,..	4 per Cent	8 per Cent.
13	Silk, Raw Filature,.....	3½ As. p. Seer of 80 Tolas.	7 As. p. Seer of 80 Tolas.
14	Silk, Bengal Wound,..... ..	3 As. p. Seer of 80 Tolas.	6 As. p. Seer of 80 Tolas.
15	Tobacco,.....	4 As. p. Maund.....	8 As. p. Maund.
16	All Country Articles not enumerated or named above,..	3 per Cent.....	6 per Cent.

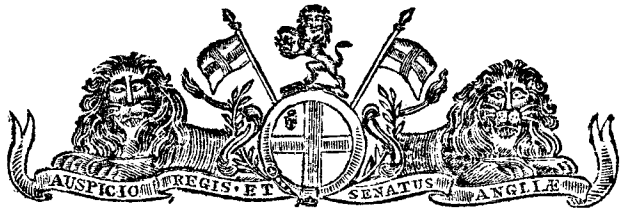
And when the Duty is declared to be ad valorem, the same shall be levied on the market value of the Article at the place of export, without deduction.

And in settling for the Duties on Exports by Sea, credit shall be given for payment of Inland Customs Duty, and Drawback shall be allowed of any excess of Duty paid upon production of Ruwanas under the following Conditions, until the 1st April, 1837.

First—That the Goods shall be identified, and destination to the Port of Export, proved in the usual manner.

Second—That the Ruwanas shall bear date before the 1st April 1836, and the Goods shall not have been protected thereby, or by the original thereof, more than two years.

And after the said 1st April, 1837, credit shall not be given, nor shall Drawback be allowed, of any Inland Customs or Land Frontier Duty paid at any Custom House or Chokee of the Jumna Frontier Line, or of Benares, except only upon the Article of Cotton Wool covered by Ruwanas taken out at the Custom Houses of the Western Provinces, and proved to have been destined for Export by Sea when passed out of those Provinces.



ACT No. XV. OF 1836.

Passed by the Right Honble the Governor General of India in Council, on the 13th June 1836.

IT is hereby enacted, that the Functionary or Functionaries who are, or may be, appointed to the Political Charge of Subathoo and the other Territories annexed thereto, be placed under the Control and Superintendence, in Civil Cases, of the Court of Sudder Dewanny Adawlut at Allahabad; and that such Control and Superintendence, shall be exercised in conformity with such instructions as the said Functionary or Functionares may have received, or may hereafter receive, from the Governor General of India in Council.

ACT No. XVI. OF 1836.

Passed by the Right Hon'ble the Governor General of India in Council, on the 20th June, 1836.

I. IT is hereby enacted, that from the 1st day of August 1836, it shall be lawful for the Aditional Government Commissioner, appointed by Regulation IV. of 1833 of the Madras Code, to nominate for the approbation of the Provincial Court of the Centre Division, any person whom the said Commissioner may think fit to be a Vakeel in the Office of the said Commissioner; and if the Provincial Court shall approve of such nomination, the person nominated, shall be appointed a Vakeel in the Office of the said Commissioner, and shall receive a sunnud of appointment on unstamped paper, duly authenticated by the said Commissioner.

II. And it is hereby enacted, that it shall be lawful for the said Commissioner to suspend any such Vakeel from his functions: but in every such case, the said Commissioner shall forthwith report such suspension and the grounds thereof, to the said Provincial Court.

III. And it is hereby enacted, that it shall be lawful for the said Provincial Court to dismiss any such Vakeel.

IV. And it is hereby enacted, that the said Commissioner shall frame with all convenient speed, a body of rules for the practice and remuneration of the Vakeels of his Office, and shall submit the same to the Court of Sudder Adawlut of Fort St. George, and that the said rules, when approved by the said Court of Sudder Adawlut, shall be of the same force, as if they were inserted in this Act.

V. And it is hereby enacted, that no person not appointed a Vakeel in the manner directed by this Act, or under suspension, or after dismission, shall act as a Vakeel in the Office of the said Commissioner.

ACT No. XVII. OF 1836.

Passed by the Right Hon'ble the Governor General of India in Council, on the 20th June, 1836.

I. IT is hereby enacted, that whenever the Governor General in Council shall order, that any of the Territories which were lately held by the Begum Sumroo, and which lapsed to the East India Company on the 27th of January 1836, shall be annexed to any District under the Government of the said Company, all Laws and Regulations now in force within such District, shall be in force in the Territories so annexed to such District.

II. And it is hereby enacted, that the Criminal Courts shall not take cognizance of any offence committed in the said Territories, previously to the 27th of January 1836, unless specially empowered by the Governor General in Council so to do.

III. And it is hereby enacted, that no Court of Civil Judicature, shall take cognizance of any claim within the said Territories, with respect to which claim a final decision may have been previously pronounced by any Court, which at the time of pronouncing such decision, was competent to pronounce such decision.

ACT No. XVIII. OF 1836.

Passed by the Right Hon'ble the Governor General of India in Council, on the 5th September 1836.

I. IT is hereby enacted, in modification of Section I, Regulation IX. of 1830 of the Bombay Code, that from the 1st day of October next, every Labor Cart, and every Labor Hackery, not having springs, and having wheels of less diameter than three feet six inches, and the tyers less in breadth than three inches, shall be subject at the Bhore Ghaut in passing, to a Toll not exceeding half a rupee, if such Cart or Hackery be drawn by two Bullocks; and not exceeding a rupee, if such Cart or Hackery be drawn by four Bullocks.

II. And it is hereby enacted, that the collection of Toll which by the second Section of the Regulation aforesaid, was placed under the Superintendence of the Collector of the Northern Konkan, shall from the said 1st day of October next, be under the Superintendence of such person as the Governor of Bombay in Council shall appoint.

III. Nothing in the foregoing Sections, shall be construed as interfering with the right of Government, to grant such exemptions as may be deemed proper from payment of the prescribed Toll.

ACT No. XIX. OF 1836.

Passed by the Right Hon'ble the Governor General of India in Council, on the 19th September 1836.

I. IT is hereby enacted, that from the day of the passing of this Act, any person may hold Capital Stock of the Bank of Bengal to an amount not exceeding 1,60,000 Company's Rupees, and that any existing Proprietor of Stock of the said Bank, may subscribe for additional Stock of the said Bank in proportion to his interest, any restriction in the Charter of the said Bank contained notwithstanding.

II. And it is hereby enacted, that the sum of 70 lacs of Sicca Rupees, which is the increased Capital Stock of the said Bank, shall, on or before the 1st of October 1836, be made up by the Governor General of India in Council, to the sum of 75 lacs of Company's Rupees.

III. And it is hereby enacted, that the said sum of 75 lacs of Company's Rupees shall, from the 1st day of October 1836, be the Capital Stock of the said Bank, and shall be divided into 1,875 Shares of 4,000 Company's Rupees each.

IV. And it is hereby enacted, that 275 of the said Shares, numbered from 1 to 275 inclusive, shall be the property of the Governor General of India in Council, on behalf of the East India Company, and that the remaining 1,600 Shares, numbered from 276 to 1,875 inclusive, shall be the property of those persons who, on the said 1st of October, 1836, shall be Proprietors of the Capital Stock of the said Bank, and that every such Proprietor shall, for every sum of Sicca Rupees 3,750 of Stock of the said Bank held by him, be entitled to one of the said Shares.

V. And it is hereby enacted, that on the 30th of September 1836, the account of the Profits upon the Capital Stock of the said Bank, as consisting of 50 lacs of Sicca

Rupees, divided into 500 Shares, shall be wound up, and a dividend declared; and that from the 1st of October 1836, the holders of the new Shares of 4,000 Company's Rupees each, shall be entitled to share in the Profits of the Bank in proportion to their interest, and that the first dividend on the said new Shares, shall be declared on the 1st of January 1837.

VI. And it is hereby enacted, that if the subscription for any Share shall not be paid up, on or before the 1st of October, such Share shall become the property of the said Bank, and shall be sold for the benefit of the said Bank, and the Profits of such Sale, shall be added to the Profits of the said Bank.

VII. And it is hereby enacted, that Certificates shall be granted for the said Shares of 4,000 Company's Rupees each, in the same manner in which Certificates have hitherto been granted for Shares of the Capital Stock of the said Bank; and that the said Shares of 4,000 Company's Rupees each, shall be registered, and shall be transferable and assignable in the same manner in which Shares of the Capital Stock of the said Bank have hitherto been.

VIII. And it is hereby enacted, that the said Shares of 4,000 Company's Rupees each may be sub-divided in Quarter Shares of 1,000 Company's Rupees each, and that such Quarter Shares may be assigned, transferred and reunited, in the same manner in which fractional parts of Shares of the Capital Stock of the said Bank, have hitherto been assigned, transferred and reunited.

IX. And it is hereby enacted, that the Proprietors of the Capital Stock of the said Bank shall, from the 1st day of October 1836, be entitled at their meetings, to vote according to the following scale;

1	Share of 4,000 Co's Rs. shall entitle to	1	Vote.
5	Shares.....	2	Votes.
10	"	3	"
15	"	4	"
20	"	5	"
30	"	6	"
40	"	7	"

ACT No. XX. OF 1836.

Passed by the Right Hon'ble the Governor General of India in Council, on the 19th September 1836.

1. IT is hereby enacted, that from the 1st day of October 1836, so much of Clause 3, Section III. Regulation XI. of 1822 of the Bengal Code, as provides "that Joint "Estates shall not be liable to Sale for arrears that may accrue during the progress "of a Butwarra or Partition, until the expiration of the year within which the arrear "may become due"—be repealed.

II. And it is hereby enacted, that from the said 1st day of October 1836, no Butwarra while in progress, shall be quashed by the Board of Revenue, or by any Officer invested with the powers of the said Board, except as hereinafter provided.

III. And it is hereby enacted, that it shall be lawful for the said Board, or for any of the said Officers, to give six months' notice in writing of an intention to quash any Butwarra; and such notice shall be affixed at the Offices of the Collector of the District and Moonsiff of the jurisdiction, within which the lands under partition, or part of those lands, may be situated: and if within six months after such notice, no party to the said Butwarra, shall deliver to the said Collector a written declaration, that he the said party objects to the quashing of the said Butwarra, it shall be lawful for the said Board, or the said Officer to quash the said Butwarra.

IV. And it is hereby enacted, that every Butwarra which, before the said 1st day of October 1836, may have been quashed by the said Board, or by any of the said Officers, shall be taken by all Courts to have been lawfully quashed.

ACT No. XXI. OF 1836.

Passed by the Right Hon'ble the Governor General of India in Council, on the 19th September 1836.

IT is hereby enacted, that from the 1st day of October 1836, it shall be lawful for the Governor General in Council, by an Order in Council, to create new Zillahs in any part of the Presidency of Fort William in Bengal, and to alter the limits of existing Zillahs.

ACT No. XXII. OF 1836.

Passed by the Right Hon'ble the Governor General of India in Council, on the 26th September 1836.

I. IT is hereby enacted, that from the first day of November 1836, Regulation VII. of 1810 of the Bengal Code, and also such parts of Regulation XVIII. of 1806 of the Bengal Code, as relate to the Eastern Canal, commonly called "Tolly's Nullah," which connects the River Hooghly with the Sunderbunds, shall be repealed.

II. And it is hereby enacted, that from the said first day of November 1836, the Governor of Bengal shall be competent to prescribe the amount of Toll, and the mode of levying the same, on boats, rafts and floats, which shall enter on, or pass out of, or through, either of the two lines of navigation hereinafter described—that is to say,

1st. The Eastern Canal aforesaid from its entry into the Sunderbunds, to its junction with the River Hooghly.

2nd. The line made up of the Channel across the Salt-water Lake to Baminghatta, of the Canal leading from the Salt-water Lake to the Boitakhanna Road, and of the new Circular Canal which connects the last mentioned Canal with the River Hooghly.

III. Provided always, that the aggregate amount of Toll levied on account of the whole passage along either of the two lines aforesaid, or on account of entering into, or passing out of, either of the two lines aforesaid, shall in no case exceed one Rupee and a half for every hundred Maunds burden on any boat, or two Annas for every timber, on every raft of timber, or four Annas for every hundred bamboos, on every float of bamboos.

IV. And it is hereby enacted, that the said Governor shall be competent to fix a rate of Rent to be levied on every boat which shall remain in any part of either of the lines aforesaid longer than two days for every hundred Maunds of burden, and on every raft of timber which shall so remain longer than one day for every ten timbers, and on every float of bamboos which shall so remain longer than one day, for every two hundred bamboos.

V. And it is hereby enacted, that the said Governor shall be competent to appoint Officers, for the collection of the Tolls and Rent herein before mentioned and to confer on

such Officers for the purpose of preventing acts whereby either of the said lines of navigation may be obstructed, or whereby the banks along either of the said lines of navigation may be damaged, any or all the powers possessed by Magistrates in respect to navigable Streams and Rivers.

VI. And it is hereby enacted, that whoever wilfully causes any obstruction of either of the said lines of navigation, or any damage to the banks along either of the said lines of navigation shall be punishable, on conviction before the Magistrate, with imprisonment for a term not exceeding fourteen days, or fine to an amount not exceeding 50 Rupees, or both; and in default of payment of such fine, with additional imprisonment for fourteen days.

VII. And it is hereby enacted, that Notifications of the rates of Toll and Rent, and of the places of collection, and of all Rules made by the said Governor under the authority given to him by this Act, shall be published in the Calcutta Gazette, and exposed to public view at every Toll-house, on either of the said lines, in the English, Persian and Bengallee tongues.

VIII. And it is hereby enacted, that if the Toll or Rent due in respect of any boat, raft or float, on either of the said lines, shall not be paid on demand to an Officer authorized by the said Governor to receive the same, it shall be lawful for such Officer to seize such boat, raft or float, and the cargo thereof, and to detain the same, and if the said Toll or Rent shall have been paid upon any day before the tenth day after such seizure, then the said boat, raft or float, shall be released, or if not paid within the said ten days, it shall be lawful for such Officer with the sanction, and under the directions of the Superintendent of Canals, to sell the property seized, or so much thereof, as the said Superintendent shall direct, for the purpose of satisfying the Toll or Rent which may be due, and also of defraying the expenses of seizure and detention; and in every such case so much of the property seized which has not been sold, and so much of the price of the property sold, as is in excess of the sum necessary for satisfying the Toll or Rent which is due, and for defraying the expenses of seizure and detention, shall be returned to the Owner of the boat, raft or float.

IX. And it is hereby enacted, that if any person in charge of any boat, raft or float, shall attempt to evade payment of the Toll or Rent due thereon, or shall resist a seizure, made by the authority and under the circumstances hereinbefore described, such boat, raft or float and the cargo thereof, shall be forfeited to the Government under orders of the Superintendent, subject to appeal to the Commissioner of Revenue and Police.

ACT No. XXIII. OF 1836.

Passed by the Right Hon'ble the Governor General of India, in Council, on the 10th October 1836.

I. IT is hereby enacted, that from the 15th day of November 1836, the ordinary functions of the Courts of Civil and Criminal Justice, and of the constituted Revenue Authorities, as well as the operation of the whole of the existing Regulations, shall be suspended within the Zemindarees of Goomsur and Soorada, and shall continue to be so suspended until this Act shall be repealed, or until such time as the Governor in Council of Fort St. George shall, by an Order in Council and Proclamation, declare that the ordinary Regulations shall be again put in force within those Zemindarees.

II. And it is hereby enacted, that it shall be lawful for the Governor in Council of Fort St. George, to appoint a Commissioner for the said Zemindarees, who shall exercise such powers as may be entrusted to him by the said Governor in Council of Fort St. George, and shall be guided in the discharge of his duties and functions, by such instructions as he from time to time, shall receive from the said Governor in Council.

III. And it is hereby enacted, that nothing in this Act shall be construed to affect the jurisdiction of the Court of Circuit, or Court of Sudder Foujdaree Adawlut in any case which may be depending before either of these Courts on the 15th day of November 1836.

IV. And it is hereby enacted, that the Court of Circuit and Court of Sudder Foujdaree Adawlut, shall have Criminal Jurisdiction over every person whom the Commissioner in Goomsur and Soorada, under the instructions of the Governor in Council of Fort St. George, may commit for trial, on the charge of any Crime perpetrated before, or during the operation of this Act—and in all such cases, the Court of Circuit and Court of Sudder Foujdaree Adawlut, shall be guided by the general Regulations in force.

ACT No. XXIV. OF 1836.

Passed by the Right Hon'ble the Governor General of India in Council, on the 10th October 1836.

I. IT is hereby enacted, that the Officers who in the Regulations of the Presidency of Fort St. George are designated as Native Judges and Native Criminal Judges, shall, from the 1st day of November 1836, be designated as Principal Sudder Ameens.

II. And it is hereby enacted, that from the said 1st day of November 1836, the Officers who in the Regulations of the Presidency of Bombay, are designated as Native Judges, shall be designated as Principal Sudder Ameens; and the Officers who in the said last mentioned Regulations are designated as Principal Native Commissioners, shall be designated as Sudder Ameens; and the Officers who in the said last mentioned Regulations are designated as Junior Native Commissioners, shall be designated as Moonsiffs.

III. And it is hereby enacted, that from the said 1st day of November 1836, no person whatever, shall, by reason of birth, or by reason of descent, be incapable of being a Principal Sudder Ameen, Sudder Ameen, or Moonsiff, within the Territories subject to the Presidencies of Fort St. George and of Bombay.

IV. And it is hereby enacted, that every British born subject, of the King, or descendant of such British born subject, who shall be appointed a Principal Sudder Ameen, Sudder Ameen, or Moonsiff, in the Territories subject to the Presidency of Fort St. George or of Bombay, shall in respect of all acts done by him as such Principal Sudder Ameen, Sudder Ameen, or Moonsiff, be liable to the same proceedings, as well Criminal as Civil, and shall be amenable to the jurisdiction of the same tribunals, as if he were not of British birth or descent.

V. And it is hereby enacted, that from the said 1st day of November 1836, no person shall by reason of place of birth, or by reason of descent, be excepted in any Civil proceeding from the jurisdiction of the Assistant Judges in the Territories subject to the Presidency of Bombay.

ACT NO. XXV. OF 1836.

Passed by the Right Hon'ble the Governor General of India in Council, on the 31st October 1836.

Governments, of Presidencies to declare Warehousing Ports.

1. IT is hereby enacted, that it shall be lawful for the Governor, or Governor in Council of any Presidency, to declare any port within the Territories of such Presidency, a Warehousing Port.

Importers may then Warehouse.

II. And it is hereby enacted, that it shall be lawful for any person who imports Goods into any such Warehousing Port, to lodge such Goods in any Public Warehouse, or in any Private Warehouse, licensed in the manner hereinafter described.

Making Application in Form A. annexed.

Goods first to be assessed for Customs Duty.

Warehouse-keeper to be answerable for weight or guage of the Custom House, allowing for wastage.

III. And it is hereby enacted, that applications shall be made for the admission of such Goods into such Warehouses as aforesaid in the Form A. attached to this Act, and the said Form shall be signed by the Importer, Owner, or Consignee; and no Goods shall be lodged in any such Warehouse until they shall have been assessed for Customs Duty, according to the Rules in force at the place of importation, and the Keeper of every such Warehouse shall be answerable for the weight or guage reported by the Custom House Officers, who shall have assessed the said Goods, deducting the wastage hereinafter allowed.

Misdescription of Tale Goods or Packages to injury of revenue punishable by fine of ten times the loss.

Error of overstatement may be rectified before, not after entry into Warehouse.

IV. And it is hereby enacted, that when Goods shall be passed by tale or by package, every omission or misdescription tending to injure the revenue, shall be an offence punishable with fine, not exceeding ten times the greatest amount of duty which could have been lost to the Government in consequence of such omission or misdescription; and if Goods shall have been overstated in quantity or value, the error may be rectified prior to the lodging of the said Goods in such Warehouse as aforesaid, but not after the said Goods have been so lodged.

Packages to be marked and numbered before reception into Warehouse.

V. And it is hereby enacted, that no packages of Goods shall be admitted into any Public or Licensed Warehouse unless numbered and marked in plain and legible characters, with the initials of the Owner, Importer or Consignee, and with a description of Goods contained therein.

When the Duty exceeds 100 Rs Bond may be executed for it in Form B.

And Goods may then remain in Warehouse for fifteen months without demand of Duty.

Bond to be for twice the Duty and to bear interest from the date of demand.

The Obligee to be bound for all Duties and Charges claimable on the Goods and for all Penalties.

VI. And it is hereby enacted, that upon Goods Warehoused under the provisions of this Act, when the Import Duty chargeable shall exceed the sum of one hundred Rupees, the Importer or Consignee shall be allowed to execute a Bond for the amount of duty chargeable in the Form hereunto annexed marked B; and when such Bond shall have been executed, the Goods shall be allowed to remain in Warehouse for a period not exceeding fifteen months, without being liable to the demand of Import Duty thereon. And the Bond to be taken under this Section, shall be for twice the amount of Import Duty assessed on the Goods, and shall stipulate for interest to be payable from the date of the demand of any sum due on account of the Goods at such rate not exceeding six per cent, as shall be fixed by the Board or other controlling authority of Customs: and the Party executing the same, shall be bound thereby for the payment of all Duties and Charges that shall be claimable on account of the Goods, and of any penalties that may be incurred for violation of the Custom Laws in respect to the same.

But Collector to have power to proceed against the Goods or under the Bond at his option.

And to detain Goods and sell after ten days if the demand be not paid.

Proceeds of Sale to be written off on the Bond.

And surplus paid over to the Owner of the Goods.

No transfer to bar this process.

VII. Provided always, that if any Owner, Importer, or Consignee shall omit to pay any duty or penalty that may fall due on account of Goods Warehoused under this Act, it shall be lawful for the Collector of Customs at his option, either to proceed upon the Bond, or to cause such portion of the Goods Warehoused on account of which the duty or penalty may be demanded, as to him may seem fit to be detained, in satisfaction thereof; and if the demand be not discharged within ten days from the date of such detention (due notice thereof being given to the Importer, Owner or Consignee) the Goods so detained shall be liable to be sold in satisfaction of the demand. And the proceeds of any sale so made of Goods detained, shall be written off upon the Bond in discharge thereof to the amount received less the charges of the sale; and if there be any surplus obtained from such sale beyond the amount demanded, such surplus shall be paid over to the Owner, or Consignee of the Goods, and no transfer or assignment of the Goods shall prevent the Collector from proceeding against the Goods in the manner above provided for, any demand of Customs Duties or Penalty claimed thereon.

After fifteen months the Board may renew the Bond for other fifteen months.

VIII. And it is hereby provided, that if at the end of fifteen months, the Owner or Consignee of Goods shall desire to keep them in Warehouse for a further period, the Board or other controlling authority of Customs, shall be competent to permit him so to keep them for a like further period not exceeding fifteen months, on the Bonds being renewed by the parties applying for the same.

Goods re-landed from a Vessel put back may be Warehoused without Bond and re-shipped under the previous Settlement of Duties.

Exception.

IX. And it is hereby enacted, that when a Vessel after having cleared from the Port shall return, and the Owners, Agents, or Shippers of the Cargo of such Vessel, or any part thereof, shall desire to land the same for re-export, such Goods shall be admitted to Warehouse, and being so declared and registered, re-export may be made thereof under the previous settlement for Duty, unless the bottom in which the re-export is made, be one on account of which the Goods are chargeable with increased Duty, in which case the Goods shall be chargeable only with the difference, and no Bond shall be taken on account of Duties for such relanded Goods unless the Goods should be liable to Duty on being passed through the Custom House for Importation.

Reserved Duty on re-export to be chargeable on removal of Goods for Shipment and Bonds to be cancelled on payment thereof.

X. And it is hereby enacted, that upon the re-exportation by Sea of Goods Imported and Warehoused under Bond for the Duty, as provided in this Act, within the period during which such Goods are by this Act permitted to continue in Warehouse, and upon payment of all reserved Duty which may be due on account of such Goods and of any charges or penalties that may have been incurred on account of the Goods, the Bond executed at the time of lodging the Goods in Warehouse, shall be deemed to have been discharged and be cancelled accordingly.

On removal otherwise than for re-export, or if not cleared in time full Import Duty to be levied with interest and charges.

And Collector may cause Goods to be sold in satisfaction if not paid in ten days.

XI. And it is hereby enacted, that if any Goods lodged in Warehouse, in the manner aforesaid shall be removed or taken from the Warehouse otherwise than for exportation by Sea, or if the Goods be not cleared from the Warehouse and exported at the expiration of the time during which such Goods are permitted by this Act to remain in Warehouse, the Collector of Customs shall demand the full amount of import Duty chargeable thereon, and any charges or penalties that may have been incurred. And if the amount so claimed, be not paid within ten days from the date of the demand the Collector of Customs shall be entitled to realize the same either by putting the Bond in suit or at his option, by causing the Goods or any sufficient portion thereof, to be sold in satisfaction of the demand.

Removal of Goods to be noted in the Bond with particulars.

XII. And it is hereby enacted, that whenever any Goods Warehoused, and Bonded as aforesaid shall be removed from any Public or Licensed Warehouse, the Collector of Customs shall cause such removal to be noted on the back of the Bond, and every note so made, shall specify the quantity and description of Goods removed, the purposes for which they have been removed, the date of removal, and name of the person removing them and the number and date of the Export Pass under which they have been taken away, if removed for exportation by Sea, and of the Import Pass or Order, if removed for importation and the amount of duty paid.

XIII. And it is hereby enacted, that a Register shall be kept of all Bonds entered into for Customs Duties on Goods Warehoused as aforesaid, and entry, shall be made in the said Register of all particulars prescribed in the preceding Section of this Act, as to be noted on the Bond and when the Register shall show that the entire quantity of the Goods covered by any Bond has been withdrawn from Warehouse either through importation and the payment of Duties or through re-exportation by Sea and payment of the reserve Duties upon such re-export, it shall then be competent to, and be the duty of, the Collector of Customs to cancel the Bond as discharged in full; and to deliver it so cancelled to the Parties who shall have executed, or who shall be authorized to receive the same.

And the same particulars to be Registered in the Register of Bonds.

When Registry shews all the Bonded Goods to have been cleared out Bond to be cancelled.

And returned to the obligee.

XIV. And it is hereby enacted, that the Warehouses of the Custom House together with such other Buildings as shall be directed by the Governor in Council, or Governor of the Presidency, or Settlement, shall be Public Warehouses for the reception of the Goods under the provisions of this Act and every Public Warehouse shall be under the lock and key of the person whom the Governor, or Governor in Council of the Presidency, shall appoint to be Keeper of such Warehouse; and such Keeper shall be responsible for all duties connected with the charge of Goods, their reception into, and delivery from the Warehouses.

The Custom House Godowns and other Government Godown to be Public Warehouses,

These to be under the Collector's or Warehouse-keeper's key.

XV. And it is hereby enacted, that the Board or other controlling authority of Customs, shall determine what Goods shall be admitted into every Public Warehouse, in what manner, and on what terms; and shall, from time to time, fix rates of hire for every Public Warehouse, or for the custody of Goods therein, and a Table of the Rates so fixed, shall be placed in a conspicuous part of every such Warehouse.

Board to determine what Goods are to be receivable into Public Warehouse, and the terms and rates of Warehouse rent or hire.

Table of Rates to be exposed conspicuously.

XVI. And it is hereby enacted, that the Owners, or Consignees of Goods lodged in a Public or Licensed Warehouse under this Act, or their Agents, shall have access to their Goods at any time, within the hours of business, in the presence of a Custom House Officer, who shall be deputed to accompany them, upon their making application in writing to the Collector of Customs, or to the Warehouse-keeper for the purpose.

Owners to have access to their Warehoused Goods, attended by a Custom House Officer during business hours.

XVII. And it is hereby enacted, that the expenses of carriage, packing, and stowage of Goods, on their reception into, or removal from, a Warehouse shall, if paid by the Collector or Warehouse-keeper, be chargeable on the Goods, and be defrayed by the Owners or Consignees, in like manner as the Customs Duties before the Goods are removed. And if the Goods be lodged in a Public Warehouse, the Owners or Consignees, shall further pay monthly the Rent and Warehouse Dues on receiving a Bill or written demand from the Collector or Warehouse-keeper for the same. And if the Bill for Rent or Warehouse Dues be not discharged within ten days from the date of presentation, the Collector of Customs shall have power, (any private transfer or assignment of the Goods notwithstanding) to cause to be sold by Public Auction such sufficient portion of the Goods as he may select in liquidation of his demand. And the Owners and Consignees of Goods shall not be entitled to claim from the Collector of Customs, or Warehouse-keeper, any compensation for any loss that may occur while the Goods are passed into, or out of, the Warehouse, or while they remain therein, unless such loss or injury shall be proved to have been occasioned by the wilful act or neglect of the Warehouse-keeper, or his Officers, or of the Officers of Customs.

Expenses of carriage, packing, &ca. are to be borne by the Owners.

And to be realized as Customs duties.

Bill for Rent to be sent in monthly.

And if not paid in ten days Goods may be sold in satisfaction.

Collector not answerable for loss by fire or other accident, nor for damage.

XVIII. And it is hereby enacted, that allowance shall be made for the wastage of Goods deposited in Warehouses according to the following Table, as the rate of wastage for one year, and the Import Duty shall be settled on the quantities registered at the time of Importation, wastage at these rates notwithstanding:

Wastage to be allowed as per Table.

Table of Wastage to be allowed upon Goods when applied to be removed either from Public or Private Licensed Warehouses.

Description of Goods.	*Rate of Wastage.*
Alkali, ...	.. 5 per cent.
Alum	.. 3 „

Aromatic Seeds, Anise	3	per cent.
Coriander	3	,,
Cummin	3	,,
Calizerah	3	,,
Cardamums	3	,,
Jowain	3	,,
Beetlenut	7½	,,
Brimstone	3	,,
Camphor	2	,,
Coffee	5	,,
Copperas or Green Vitriol	5	,,
Cotton Wool	2	,,
Dry Ginger	10	,,
Gums and Drugs, not otherwise specified	3	,,
Iron wrought Bars	3	,,
Indigo	5	,,
Kutch or Terra Japonica	3	,,
Lac, Lake Stick and Seed	3	,,
Long Pepper and Long Pepper Root	3	,,
Oils, Essential and Fragrant	8	,,
Resin or Dammer	7½	,,
Sago	4	,,
Sugar	4	,,
Salt Petre	4	,,
Soap	3	,,
Silk	5	,,
Spices, Cloves	8	,,
Cinnamon	2	,,
Cassia	2	,,
Mace	3	,,
Pepper	6	,,
Pimento or allspice	2	,,
Tobacco, unprepared	5	,,
Turpentine	8	,,
Tutenague	2	,,

Wines and Spirits in Casks—a deduction for ullage of 10 per cent shall be allowed at the time of being received into Warehouses.

Board may License any Private Warehouse.

XIX. And it is hereby enacted, that the Board or other Controlling Authority of Customs, shall have power to License Warehouses belonging to private persons for the reception of Goods, with duty bonded under the rules of this Act, in like manner as prescribed for Public Warehouses; and every License so granted to a Private Warehouse, shall be liable to be revoked at pleasure by the Board, or other Controlling Authority of Customs, unless otherwise specifically stipulated in the License.

License to be revocable at pleasure unless otherwise stipulated.

Applications for License for Private Warehouse to be in Form C. with particulars filled up.

XX. And it is hereby enacted, that applications for Licenses for Private Warehouses, shall be drawn up in the Form marked C. annexed to this Act, and shall specify the particulars therein stated and the situation of the Warehouses, and their distances respectively, from the Custom House in English Yards.

Collector or Warehouse-keeper to have access to all Licensed warehouses for himself and his Officers.

Proprietors refusing admittance,

XXI. And it is hereby enacted, that the Collector of Customs, or other Warehouse-keeper, shall have access for himself or for any Officer he may depute for the purpose, to any Private Warehouse licensed as above. And if the Proprietor thereof shall not open the same when required, or shall refuse to admit the Collector or Warehouse-keeper, or the Officer of either upon demand made, at any time within the hours of business at the Port, the Proprietors of the Warehouse shall be liable to a fine not exceeding One Thousand Rupees,

pees, and further to have the License for the Warehouse cancelled and withdrawn, and all Bonds executed for Duty chargeable upon Goods therein disposited, shall become due and be put in suit for the levy of the Duty and other demands of Customs, after seven days shall have passed from the date when the Collector of Customs or Warehouse-keeper shall give notice of any License being withdrawn.

Subject to penalty of 1,000 Rs. and withdrawal of Licenses. Bonds for Duty to be put in suit seven days after notice of such penalty or of withdrawal of License.

XXII. And it is hereby enacted, that if Goods lodged in a Private Warehouse shall be found to be deficient at the time of delivery therefrom beyond the allowance for wastage prescribed in the Table annexed to Section XVIII. of this Act, the Owner or Consignee, or other Party who may have lodged the Goods in the Warehouse, shall, unless the deficiency be accounted for to the satisfaction of the Collector of Customs, forfeit to Government a sum equal to ten times the Duty chargeable on the quantity of Goods deficient and if Goods be found to exceed the registered quantity, such excess unless similarly accounted for, shall be charged with ten times the ordinary Duty thereon; and when any penalty shall be incurred under this Section, the Goods shall not be removed until the same is paid.

If Goods be found deficient beyond the wastage allowance at time of delivery from Warehouse—
Owner to forfeit ten times the Duty on the deficiency.
If found excessive ten times the Duty to be paid on the excess.
And Goods to be detained till paid.

XXIII. And it is hereby enacted, that the Collector of Customs shall have authority at any time to issue his Warrant or written Order, and to cause any Goods or Packages lodged in a Public or Private Warehouse to be opened and weighed, or otherwise examined as he may direct. And after Goods shall have been so opened or examined, he shall cause the same to be sealed or marked in such manner as to him may seem fit, and when Goods shall have been so sealed or marked (after examination) they shall not be again opened without permission from the Board, or other Controlling Authority of Customs, except when the Proprietor or Consignee shall apply to have them opened, and in every such case, the Packages shall be again sealed or marked as before.

Collector of Customs may issue Warrant for breaking Packages to search and examine Goods.
When re-packed to be sealed—
And seal not to be re-broken without sanction of Board.
Except under application from Proprietor—
Then to be re-sealed.

XXIV. And it is hereby enacted, that when Goods shall be received into Warehouse, or shall be removed therefrom, the Packages shall be stamped with a conspicuous seal or stamp containing the words—

Goods to be stamped on reception into or delivery from Warehouse.

Warehoused and Duty Bonded.

or

Delivered for Exportation.

or

Removed for Importation.

accordingly as the Goods may be received or removed for one or other purpose, and any person who shall remove or efface a stamp or seal affixed by an Officer of Customs, or who shall change the outer cover of any package so marked, or change the contents thereof while Goods are in Warehouse, without giving notice and obtaining permission of the Collector of Customs, shall for every such offence forfeit the sum of Five Hundred Rupees upon conviction before a Magistrate of Justice of Peace of the place. Provided however, that that the Owners and Consignees of Goods shall be at liberty to take out samples of their Goods of such limited quantity as shall be deemed by the Collector of Customs, reasonable and proper.

The stamp not to be removed or effaced without sanction of Collector—
Under Penalty of Five Hundred Rupees on conviction before a Magistrate.
But Owners may be allowed by the Collector to take samples.

XXV. And it is hereby enacted, that no Goods shall be removed from any Warehouse except under application to the Collector of Customs for the Goods to be passed for Export or for Importation, in like manner as for other Goods passed through the Custom House, or for removal to another Warehouse, as prescribed in Section XXVIII. of this Act.

Goods not to be removed from Warehouse without being passed through the Custom House.

If a package be broken Duty to be levied on all the Goods contained therein.

XXVI. And it is hereby enacted, that if any Owner or Consignee of Goods, shall in any way break a Package for removal of any part of the Goods, the entire Duty shall be levied for all the Goods contained therein.

Applications to remove Goods to be made in form D. And twenty four hours' Notice to be given of removal.

XXVII. And it is hereby enacted, that applications to remove Goods from Warehouse shall be made in the Form marked D. hereunto annexed, and twenty-four hours notice shall ordinarily be given to the Collector of Customs or Warehouse-keeper of the intention to remove Goods.

Goods may be removed from one Warehouse to another—application being made in Form E.

XXVIII. And it is hereby enacted, that Owners or Consignees of Goods Warehoused and Bonded for Duty under this Act, may remove the same from one Public or Licensed Warehouse to any other, and when they shall desire so to remove Goods they shall make application in the Form marked E. hereunto annexed, furnishing the information specified, and filling up the columns left blank in the said Form, with all the particulars therein contained.

No Duty to be levied on Goods destroyed by fire or other accident; and if damaged, Duty to be levied on the damaged value.

XXIX. And it is hereby enacted, that if Goods Warehoused and Bonded for Duty shall be destroyed by fire or other accident, no Duty shall be chargeable thereon, provided that if they be destroyed in a Private Warehouse, notice thereof be given to the Collector of Customs or Warehouse-keeper, within forty-eight hours of the discovery of the accident. And if Goods when lodged in Warehouse shall receive damage, they shall be assessed for Duty according to their actual value and Bond for the same executed for the unexpired term of Warehousing.

Penalties under this Act to be adjudged by the Collector of Customs.

XXX. And it is hereby enacted, that whenever any person shall be charged with having committed any act or neglect for which he is liable to penalty under this Act, the Collector of Customs at the Port, shall be competent to investigate the case, and to adjudge the penalty or to dismiss the complaint, as to him may seem fit. Provided, however, that if the Collector shall adjudge any penalty to be incurred, such judgment shall not be conclusive until the case shall have been reported to the Board or other superior authority of Customs, and the award shall have been confirmed by that Authority; and it is further enacted, that the Board or other Controlling Authority of Customs shall have the power of mitigating any penalty that may be incurred on account of Warehoused Goods to the extent of reducing the same to a levy of double Duty.

Subject to confirmation by the Board or other superior authority of Customs.

A.

FORM OF APPLICATION FOR THE RECEPTION OF GOODS IMPORTED BY SEA IN WAREHOUSES.

SIR, *To the Collector of Sea Customs at Calcutta.*

Please to order the reception into the Government (or Private Warehouse of Mr. A. B. situate at , and Licensed by No. , dated), of the undermentioned Goods, being of the growth or manufacture of (place to be stated), and arrived from (Port or Place to be mentioned) on the (British or other) Ship , whereof is Commander, the Duty upon which Goods has been adjusted in the manner hereafter specified.

Marks and Number of Packages.	Description of Packages and Goods.	Contents of Goods.	Rate of value of the Goods.	Amount value of the Goods as ascertained and entered on the landing of the same.	Rate of Duty both of Customs and Town Duty.	Date and No. of Importation.	Specification of the particulars of Bonds if the Duty upon the Goods has been Bonded.
Total.							

(Signed) By the Owner, Agent, or Consignee of the Goods.

(Date)

ACT No. XXV. OF 1836.

B.

FORM OR BOND FOR IMPORT DUTY.

Know all Men by these Presents, that we now of Calcutta, at Fort William, in the Province of Bengal, in the East Indies, and of the same place, are jointly and severally held, and firmly bound unto the East India Company in the sum of Rs. to be paid to the said East India Company, or their certain Attorney, Agent, Successors or Assigns, for which payment well and truly to be made, we jointly and severally bind ourselves and each of us, and our respective Heirs, Executors, Administrators and Representatives, by these presents; sealed with our respective Seals dated the day of in the year of Christ and the said for themselves, and each of them and their respective Heirs and Representatives, covenant and agree, that in case of dispute touching the matter of this Obligation, or the Condition thereof, the same may be heard and determined in the Supreme Court of Judicature at

Whereas the above bounden hath (or have applied to the Collector of Sea Customs of the said East India Company at for, and have obtained permission to lodge in a certain Public (or Licensed) Godown, for a period of fifteen months, subject to the Rules or Regulations of Government, the following Goods, that is to say, (here a large blank should be left for describing the Goods) being of the growth or manufacture of and imported by Sea, from on board the Ship and entered in the Custom House Books, as No. of the Register of Goods imported by Sea.

Now the Condition of this Obligation is such, that if the above bounden (the principal) his or their Heirs, Executors, Administrators, Representatives, or Assigns, shall, in all things, well and truly observe and keep all and singular the Rules prescribed in Act No. XXV. of 1836, to be observed and kept by the Owners, Importers or Consignees of Goods bonded and warehoused, and by the persons obtaining permission to bond and warehouse Goods under the provisions thereof. And if the said (the principal) his (or their if more than one) Heirs, Executors, Administrators, Representatives, or Assigns, do and shall well and truly pay, or cause to be paid to the Collector of Customs for the time being, for the Port of all such Dues, whether of Customs or of lawful Charges as shall be due, or demandable upon the said Goods, or on account of Penalties incurred in respect to them at or before the expiration of fifteen months from the date of these presents, or before, or at the expiration of such further times, as the Board of Customs shall allow in that behalf, together with Interest thereon at the rate of per Cent per Annum from the date of demand thereof being made by the said Collector of Customs in writing. And further, if the said Goods after being so warehoused, or any part thereof, shall not within the term so fixed, or to be enlarged, be removed from the said Public (or Licensed) Godowns, or in case the said Goods or any part thereof shall be removed from the said Public (or Licensed) warehouse at any time within the said term either for Importation or for Exportation by Sea, then, and in such case, if the full amount of all such Duties, Charges and Penalties as may be payable or demandable as aforesaid, shall have been first paid and satisfied on the whole quantity of the said Goods;—then this Obligation to be void and of no effect: otherwise, and on breach or failure in the performance of the said several Conditions, or any of them the same to be in full force and virtue. Sealed and delivered, &c.

C.

FORM OF APPLICATION TO OBTAIN LICENSE FOR PRIVATE WAREHOUSES.

To the Collector of Customs at Calcutta.

SIR,

Please to submit to the Board of Customs (or other Controlling Authority of Customs) my request to be furnished with a License under Act No. XXV. of 1836, for a warehouse situate at and about the distance of yards from the Custom House, the

dimensions and other particulars of the Godown are stated below, and the same is intended for the reception of all Goods as a general Store House, (or as the case may be) the period of License not to exceed (mention the time for which period).

Particulars of Godown.

Length, Feet, Inches,.. .. } Dry, airy, well flued, and puckah built, can contain
Breadth, ditto ditto ... .. } with perfect safety and convenience about tons of
Height, ditto ditto.. .. .. } Goods.

The same being my own property (or the property of from whom I have engaged the same on a lease of).

(Signed) (By the Applicant.)

D.

FORM OF APPLICATION FOR REMOVAL OF GOODS FROM WARE-HOUSES.

To the Collector of Government Customs.

SIR.

Please to order to be passed from the (Government or Private) warehouse of Messrs. A. and Co., situate at (and Licensed under Act No. XXV. of 1836 by No. dated)the undermentioned Goods intended for Exportation by Sea on the British Ship Captain bound to or for internal consumption; or to be consigned to (any Station in the interior as the case may be) the same having been entered in the Books of your Office for the said Warehouse, under No. dated by (me or by Messrs. B. and Co., whose certificate of the transfer of the Goods is herewith annexed.)

Marks and Numbers of Cases. B. and Co. (Name of the Goods). No. 1 to 4. ⊙ × ⊙ Sealed. " Warehoused for Exportation."	Four Cases of (name of Goods).. .. .. 1 Case, Box, Bale, or Parcel, containing (here insert the quantity in each case)..... ..... 1 Ditto.. ..... 1 Ditto..... 1 Ditto..... Four (Cases, Boxes, Bales, or Parcels) containing (total contents to be here stated)	

Custom House value of the above, Rupees and please to receive the amount of Duty bonded for the said Goods, by Bond No. dated allowing Drawback for Exportation on British Bottom (or as the case may be).

(Signed) (Either by the Owner, Agent, or Consignee of the Goods.

E.

FORM OF APPLICATION FOR REMOVAL OF GOODS, FROM ONE WARE-HOUSE TO ANOTHER, DURING THE PERIOD FOR WHICH THE INDULGENCE OF WAREHOUSING MAY HAVE BEEN OBTAINED.

To the Collector of Government Customs at Calcutta.

SIR,

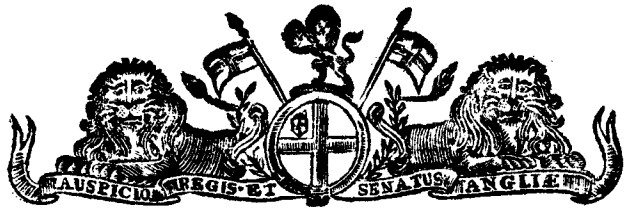
Please to permit the removal of the undermentioned Goods from the (Government or other Licensed) Warehouse, to (the Warehouse into which the removal is intended to be made, must here be distinctly described) for the unexpired period of Warehousing due on the Goods, the same having been originally entered by virtue of Act No. XXV. of 1836 in the Books of the Warehouse Department, under No. dated for fifteen months (or such other period as may have been allowed, to be here stated)

under all the Obligations and Conditions, at present, attached to the Goods.

Marks and Numbers of Packages.	Description of Packages and of Goods.	Contents of Packages.	Rate of value of Goods.	Amount of value of Goods as entered in Custom House Books.	Rate of Duty chargeable or paid upon the Goods.	Names of the Persons by whom Goods first passed into Warehouses.

Note—If the Goods to be removed shall have been sold or transferred by the original Proprietor or Agent, a Certificate of such Sale or Transfer shall accompany the Application.

(Signed) (By the Owner, Agent, or Consignee of the Goods.)



ACT No. XXVI. OF 1836.

Passed by the Right Hon'ble the Governor General of India in Council, on the 7th November 1836.

I. IT is hereby enacted, that as often as the Governor General of India, or the Commander in Chief of all the Forces in India, or the Lieutenant Governor of the N. W. P., shall pass through any part of the Territories of the East India Company, attended by a Camp, it shall be lawful for the Governor General of India in Council by an Order in Council to appoint a Superintendent of the Police of such Camp.

II. And it is hereby enacted, that with respect to all Offences committed in any such Camp, or on the line of march between the Stations of any such Camp, such Superintendent shall have concurrent Criminal Jurisdiction with the Magistrate of the Zillah or City, within which such Offence shall have been committed.

III. And it is hereby enacted, that as often as the said Superintendent shall, by virtue of the powers conferred on him by the preceding Clause, commit any person for trial before the Sessions Court, or sentence any person to imprisonment, it shall be lawful for the said Superintendent to transmit such person to the Magistrate of the Zillah or City where the Camp shall then be, with a copy of the commitment or sentence, under the hand of him the said Superintendent, and the said Magistrate shall give effect to such commitment or sentence.

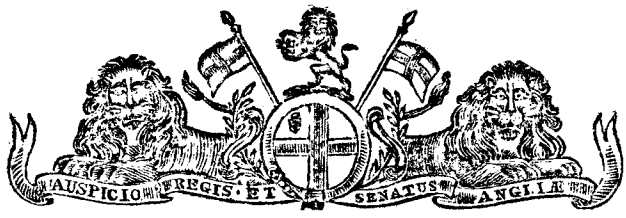
IV. And it is hereby enacted, that all Officers subordinate to the Magistrate of the Zillah or City where such Camp shall be, shall be assisting to the said Superintendent in the exercise of the powers conferred on him by this Act, in the same manner as they are bound to be assisting to the said Magistrate.

ACT No. XXVII. OF 1836.

Passed by the Right Hon'ble the Governor General of India in Council, on the 7th November 1836.

1. IT is hereby enacted, that Regulation V. of 1817 of the Madras Code, entitled a Regulation for providing a succession of Hindoos and Mahommedans duly qualified to be employed as Law Officers and as Vakeels in the Courts of Adawlut under the Presidency of Fort St. George, be repealed.

11. And it is hereby enacted, that Candidates for the situation of Vakeel in the Courts of Adawlut under the Presidency of Fort St. George, shall in future, be appointed under the Provisions of Section III, Regulation XIV. of 1816, and that the qualifications of Candidates for the situation of Law Officers, be ascertained by examination before the Law Officers of the Court of Sudder and Foujdaree Adawlut, with reference to the Provisions of Section III. Regulation XI of 1802, and Clause 2, Section III. Regulation VII. of 1822.



ACT No. XXVIII. OF 1836.

Passed by the Right Hon'ble the Governor General of India in Council, on the 7th November 1836.

I. IT is hereby enacted, that from the 1st day of December 1836, no Assessment made by the Justices of the Peace for the Presidency of Fort St. George under the authority of the Act of Parliament of the 33 Geo. III. Cap. 52, shall be levied, until the same shall have been approved by the Governor in Council of Fort St. George.

II. And it is hereby enacted, that it shall be lawful for the said Governor in Council of Fort St. George, by an Order in Council, to exempt any District, or portion of a District, from payment of any such Assessment.

ACT NO. XXIX. OF 1836.

Passed by the Right Hon'ble the Governor General of India in Council, on the 14th November 1836.

1. IT is hereby enacted, that from the 1st day of December 1836, it shall be competent to the Court of Sudder Adawlut of Fort St. George, with the sanction of the Governor in Council, to augment or diminish at discretion, the number of Sudder Ameens within that Presidency.

II. And it is hereby enacted, that such parts of any of the Regulations in force, as authorize the Registers of the Zillah Courts and Sudder Ameens within the Presidency of Fort St. George, to receive any fee or commission for judicial duties performed by them, be repealed, Provided always, that this rule shall not be construed to prohibit the receipt of fees for the Registry of Deeds.

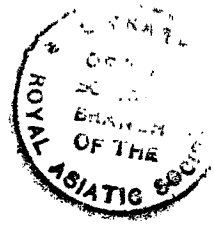
ACT No. XXX. OF 1836.

Passed by the Right Hon'ble the Governor General of India in Council, on the 14th November 1836.

I. IT is hereby enacted, that whoever shall be proved to have belonged, either before or after the passing of this Act, to any gang of Thugs, either within or without the Territories of the East India Company, shall be punished with imprisonment for life with hard labor.

II. And it is hereby enacted, that every person accused of the offence made punishable by this Act, may be tried by any Court which would have been competent to try him if his offence had been committed within the Zillah where that Court sits, any thing to the contrary in any Regulation contained notwithstanding.

III. And it is hereby enacted, that no Court shall, on a trial of any person accused of the offence made punishable by this Act, require any Futwa from any Law Officer.



ACT No. XXXI. OF 1836.

Passed by the Right Hon'ble the Governor General of India in Council, on the 28th November 1836.

IT is hereby enacted, that the provisions of Regulation IV. of 1831, of the Madras Code, relating to Grants of Money or Land Revenue made by the British Government shall be extended to all similar Grants within the Territories subject to the Presidency of Fort St. George, which, having been made by any Native Government have been confirmed or continued by the British Government.

ACT No. XXXII. OF 1836.

Passed by the Right Hon'ble the Governor General of India in Council, on the 28th November 1836.

I. IT is hereby enacted, that if any person after the 1st day of December 1836, lands or attempts to land in any part of the Territories subject to the Government of the Presidency of Fort William in Bengal any Sugar which is not the growth of a British Possession into which Foreign Sugar cannot be legally imported, such Sugar shall be seized and confiscated by the Collector of the Customs or by any other Officer thereunto authorized by the Governor of the said Presidency, unless the District in which such Sugar is landed or in which an attempt has been made to land such Sugar be a District in which the Governor General of India in Council has authorized the importation of such Sugar.

II. And it is hereby enacted, that if any Owner of Sugar the produce of the said Territories, or duly authorized Agent of such Owner, desires to obtain a Certificate of origin from the Collector or Assistant Collector of the Land or Custom Revenue of any District within the said Territories, or from any other Officer appointed by the Governor General of India in Council to give such Certificates, such Owner or Agent shall, in the presence of the Officer from whom he desires to obtain such Certificate, make and subscribe a Declaration in the form contained in the Schedule hereunto annexed marked A.

III. And it is hereby enacted, that if the District be one into which the Governor General of India in Council has not by any order authorized the importation of Foreign Sugar or of Sugar the growth of any British Possession into which Foreign Sugar can be legally imported, the Officer before whom such a Declaration as is aforesaid shall have been made, shall grant under his hand and seal to the Declarant a Certificate in the form contained in the Schedule hereunto annexed marked B.

IV. And it is hereby enacted, that every person who intends to ship Sugar from any place within the said Territories for any part of the United Kingdom, shall be entitled to produce to the Collector of Customs at that place, or to any other Officer who may have been appointed by the Governor General of India in Council to act on such occasions in place of the Collector of Customs, a Certificate such as is above described, and also in the presence of the Officer to whom he has so produced such Certificate to make and subscribe a Declaration in the form contained in the Schedule hereunto annexed marked C.

V. And it is hereby enacted, that the Officer to whom such a Certificate shall have been so produced, and before whom a Declaration in the last mentioned form shall have been so made and subscribed, shall grant to the person who has made the last mentioned Declaration a Certificate in the form contained in the Schedule hereunto annexed marked D.

VI. And it is hereby enacted, that any person who shall in making any Declaration under the authority of this Act, knowingly affirm an untruth, shall on conviction thereof before such Court as would be competent to try such person for perjury, be punished by fine to an amount not exceeding five thousand Rupees, and imprisonment for a term not exceeding two years.

SCHEDULES.

A.

I, A. B., solemnly declare, that all the Sugar herein-under described is to the best of my knowledge and belief the produce of the District of ———————

Description of the Sugar to which the Declaration relates.

Quantity.	*Quality.*	*Number and denomination of Packages.*

(Signed) A. B.

The day of 18.

B.

I, C. D., Collector of Land Revenue (or *Collector of Custom Revenue*, or *being an Officer oppointed by the Governor General of India in Council to act in this behalf*) for the District of———, do hereby in conformity with the provisions of Act No. XXXII. of 1836, grant this Certificate under my hand and seal, that the Sugar herein-under described is of the produce of the District of——, and that the importation of Foreign Sugar and of Sugar the growth of any British Possessions into which Foreign Sugar can be legally imported is prohibited in the said District of ——.

Description of the Sugar to which this Certificate relates.

Quantity.	*Quality.*	*Number and denomination of the Packages.*	*Name of the Declarant on whose declaration the certificate is given.*

L. S.

(Signed) C. D.

C.

I, E. F., Shipper of the Sugar herein-under described, solemnly declare that all the Sugar herein-under described, is to the best of my knowledge and belief the same Sugar to which the Certificate now produced by me relates.

Description of the Sugar to which the Declaration relates.

Quantity.	*Quality.*	*Number and denomination of Packages.*	*Name of ship in which the Sugar is Shipped or to be Shipped.*	*Name of the Master of the Ship.*

(Signed) E. F.

D.

I, G. H., Collector of Customs, *(or being an Officer appointed by the Governor General of India in Council to act in this behalf)* for the Port of——, certify under my hand and seal, that there has been produced to me by E. F, the Shipper of the Sugar herein-under described, a Certificate under the hand and seal of C. D. Collector of Land Revenue, (or *Collector of Custom Revenue*, or *being an Officer appointed by the Governor General of India in Council to act in this behalf)* for the District of——, in the Territories subject to the Government of the Presidency of Fort William in Bengal, which Certificate certifies that the said Sugar is of the produce of the said District, and that the importation of Foreign Sugar or Sugar the growth of any British Possession into which Foreign Sugar can be legally imported, is prohibited in the said District.

Description of the Sugar to which this Certificate ralates.

Quantity.	*Quality.*	*Number and denomination of packages.*	*Name of the ship.*	*Name of the Master of the Ship.*

L. S. (Signed) G. H.

INDEX

TO THE

ACTS OF THE SUPREME GOVERNMENT.

	Year.	Act.	Section.	Clause.
Act of Parliament—To provide for the relief of Insolvent Debtors, to continue in force till the 1st March, 1839, ...	1836.	IV.	I.	
„ The 107th Clause of 53 Geo. 3d, connected with the Company's Charter, shall cease to have effect from the 1st June, 1836, ...	....	XI.	I.	
Bank of Bengal—Amount at which any person may hold Capital Stock of the, and extent to which any existing Proprietor may subscribe for additional Stock, ...	....	XIX.	I.	
„ Amount to which the increased Capital Stock shall be made up by the 1st of October, 1836, ...	....	.....	II.	
„ Amount which shall from said date be the Capital Stock, and shares into which it shall be divided, ...	....	.....	III.	
„ Number of shares to be held by Government. Individuals may hold the rest, and price of such share, ...	....	....	IV.	
„ On the 30th September, 1836, the account of profits shall be wound up, and a dividend declared, and the first dividend of the profits on the new shares shall be declared on the 1st January, 1837, ...	....	.....	V.	
„ Course to be pursued, if the subscription for any share shall not be paid up by the 1st of October, ...	....	... .	VI.	
„ Certificates to be granted for the new shares, which shall be registered, and be transferrable and assignable, ...	....	.....	VII.	
„ And may be sub-divided into quarter shares, and assigned, transferred, and re-united, ...	....	.....	VIII.	

Scale

	Year.	Act.	Section.	Clause.
Bank of Bengal—Scale according to which Proprietors shall be entitled to vote, ...	1836.	XIX.	IX.	
Begum Sumroo—Any of the Territories lately held by the, on being annexed to any District under Government, subject to its Laws and Regulations, ...	....	XVII.	I.	
„ Criminal Courts not to take cognizance of any offence committed in said Territories, previously to the 27th January, 1836, unless specially empowered,	....	.....	II.	
„ No Civil Court to take cognizance of any claim in said Territories, which may have been finally decided by a Court of competent jurisdiction, ...	....	.....	III.	
Bombay Civil Courts—See Sudder Dewanny Adawlut.				
Butwarra—None while in progress to be quashed, ...	....	XX.	II.	
„ Except when six months notice shall have been given, and such notice affixed at certain offices, and no party objects within period stated, ...	....	.....	III.	
„ Every, which before the 1st of October, 1836, may have been quashed, to be taken as having been lawfully so, ...	....	.....	IV.	
Camps—See Superintendent of Camp Police.				
Canals—From 1st November, 1836, Governor of Bengal competent to prescribe amount of Toll, and the mode of levying the same on certain, ...	....	XXII.	II.	
„ Proviso as to the aggregate amount of Toll to be levied, ...	....	.....	III.	
„ Government competent to fix the rent to be levied on boats, rafts, and floats, under circumstances specified, ..	....	.....	IV.	
„ As also to appoint Officers for collecting the Tolls and Rent, with certain powers possessed by Magistrates, ...	....	.....	V.	
„ Punishment for causing any obstruction of either of the lines of navigation noted, or any damage to the Banks along them, ...	....	.....	VI.	
„ Notifications of the rates of Toll and Rent, of the places of collection, and of all rules, to be published and exposed to public view, ...	....	.....	VII.	
„ Course to be pursued, if the Toll or Rent due shall not be paid, ...	....	.....	VIII.	

Also,

	Year.	Act.	Section.	Clause.
Canals—Also, if an attempt be made to evade payment of them, or a seizure resisted, ...	1836.	XXII.	IX.	
Coins—Calcutta Sicca Rupees shall, from the 1st January, 1838, cease to be a legal tender in discharge of any debt, but to be received at public Treasuries by weight, subject to one per Cent. for re-coinage, ...	....	XIII.	I.	
„ The Pice struck at the Mints of Benares and Furrukhabad, to be a legal tender only within the provinces and places for which they were coined, ..	....	.....	II.	
Company's Charter—See Acts of Parliament.				
Defendants—See Indigo Plant.				
Duties (Customs)—Import Duties to be levied according to Schedule A, ...	....	XIV.	II.	
„ Export Duties to be collected on Country Goods according to Schedule B,	....	.....	III.	
„ No Goods entered therein as liable to duty to be exempted, except by order of Government, but the Collector may pass Baggage belonging to Passengers at his discretion, ...	....	.....	IV.	
„ Existing rules to be enforced for levying the new import and export duties, ...	....	.....	V.	
„ Place may be fixed by Governor of Bengal, beyond which an inward bound vessel is not to proceed until a Manifest has been delivered to Pilot to be forwarded. Master to be responsible for its correctness under penalty of Rupees 1,000. Goods in excess, or not corresponding with Manifest, to be seized and confiscated, or charged with increased duties. The Masters of Vessels lying below, to deliver Manifests on coming to anchor. If remaining at anchor 24 hours, without sending Manifest, to be subject to penalty of 1,000 Rupees, ...	....	.....	VI.	
„ No vessel to break bulk, unless two copies of Manifest have been received—And entry may be refused, until papers of the places of departure are delivered,	....	.....	VII.	
„ Collector may send Custom House Officer on board any vessel. To remain on board till she sails, ...	....	.....	VIII.	

	Year.	Act.	Section.	Clause.
Duties—Persons refusing to admit Custom House Officers, or not giving them proper accommodation, liable to fine, ...	1836.	XIX.	IX.	
„ Collector may order a vessel to be searched. Bulkheads to be broken open if not opened on requisition. Any concealed Goods to be confiscated. Resistance or refusal of Master's, punishable with fine of 1,000 Rupees, ...	....	.....	X.	
„ Goods not to be landed or put on board till entry of the ship is duly made. Cargo to be sent ashore, and laden outwards, according to existing Forms,	....	.....	XI.	
„ Goods unmanifested not to be landed in ordinary form. But to be seized on board. Master to be answerable that all goods manifested are forthcoming and duly passed. Under penalty of 500 Rupees for each missing package of unknown value, or double duty if assessible. Rule for presenting an amended or supplemental Manifest, ...	....	....	XII.	
„ Custom House Officers taking unauthorized fees or bribes subject to penalty of 500 Rupees. Same penalty on persons offering, ...	....	.....	XIII.	
„ Collector to investigate and adjudge confiscation. Board's confirmation necessary, ...	....	.....	XIV.	
„ Twenty or thirty days allowed to clear inwards according to tonnage. After which the Master to pay charges of the Custom House Officer. Master to land Goods if Consignees do not. If these fail, Collector may land and warehouse, and Cargo not to be exempt from duty on re-export, unless all the while in charge of Custom House Officers. Proviso for re-importation when duties and drawbacks are to be refunded. And Master to forfeit the value of drawback Goods not forthcoming, ...	....	.....	XV.	
„ Further period of fifteen or twenty days for continuous lading for export. If the vessel be laid up, Tide Waiter to search and leave, certifying that it is empty. Twenty or thirty days, according to tonnage, allowed for lading a				

	Year.	Act.	Section.	Clause.
vessel outwards after being laid up, but search and certificate that nothing is on board necessary, ...	1836.	XIX.	XVI.	
Duties—When penalty has been incurred by a Master, the Collector may refuse Port Clearance of the vessel, till it be paid, ...	....	.....	XVII.	
„ Goods shipped after Port Clearance to pay double duty, and 5 per Cent. if free, ...	....	... .	XVIII.	
„ In case of re-landing for damage, &c. Officer to proceed on board to watch,	....	.....	XIX.	
„ No refund of export duty after Port Clearance, ...	....	.....	XX.	
„ Arabs and other Foreign Asiatic Vessels to be deemed foreign, ...	....	.....	XXI.	
„ Dhoonies, &c. to be required to anchor in a particular part of the river—Penalty, if not moved to said Ghaut when required, 100 Rupees—Vessel, its equipment, or cargo, may be seized—Dhoonies, &c. from Maldives and Nicobars to be British Vessels, ...	....	.....	XXII.	
Execution of Decrees—see Sudder Umeens.				
Fort St. George Civil Courts—see Sudder Dewanny Adawlut.				
Functionaries appointed to the Political charge of Subathoo and the other Territories annexed thereto, placed under the control and superintendence in civil cases of the Allahabad Sudder, which is to exercise the same agreeably to instructions from Government, ...	....	XV.	I.	
Indigo Plant—Not to be cut or removed, without sufficient security, under certain circumstances, ...	....	X.	II.	
„ Any person prevailing, under circumstances stated, upon a Ryot to break a lawful contract, as well as the Ryot, liable to prosecution—Proviso, ...	....	.....	III.	
„ Court authorized to examine both Plaintiff and Defendant, and to compensate the latter, ...	....	.....	IV.	
„ Suits instituted under Regulation VI. 1823, or this Act, referrible to Principal Sudder Umeens or Sudder Umeens,	....	.....	V.	
Insolvent Debtors—see Acts of Parliament.				
Moonsiffs—see Sudder Umeens.				
Pice—see Coins.				
Plaintiffs				

	Year.	Act.	Section.	Clause.
Plaintiffs—see Indigo Plant.				
Regulation VI. 1823, Section V., Clause Third of the Bengal Code repealed, ...	1836.	X.	I.	
Regulation XXV. 1817, Section V. of the Bengal Code repealed from the 1st June, 1836, ...	....	XIII.	II.	
Regulations imposing transit and town duties in the interior, and fixing rates of import and export duty on sea goods repealed from 1st June, 1836, except as regards the Jumna or any frontier line, and duties on western salts, ...	....	XIV.	I.	
Regulations—so much of Clause III. Section III. Regulation XI. of 1822 of the Bengal Code, as relates to sale for arrears of joint estates, during the progress of a Butwarra or Partition, repealed, ...	....	XX.	I.	
Regulation VII. of 1810, and such parts of Regulation XVIII. of 1806 of the Bengal Code, as relates to "Tolly's Nullah" repealed from 1st November, 1836, ...	....	XXII.	I.	
Ryots—see Indigo Plant.				
Sicca Rupees (Calcutta)—see Coins.				
Subathoo—see Functionaries.				
Sudder Umeens—Zillah and City Judges to refer to Principal, for execution, applications for the enforcement of decrees,	....	V.	I.	
„ From 31st March, 1836, no person, incapable of being a Principal Sudder Umeen, Sudder Umeen, or Moonsiff, by reason of place of birth or descent, ..	....	VIII.	I.	
„ Liability of British born subjects of the King, or their descendants, who shall be appointed Principal Sudder Umeens, Sudder Umeens, or Moonsiffs, and the Tribunals to which they are amenable,	....	.....	II.	
„ See Indigo Plant.				
„ See Sudder Dewanny Adawlut.				
Sudder Dewanny Adawlut—Zillah and City Judges—Principal Sudder Umeens—Sudder Umeens—and Fort St. George and Bombay Civil Courts—From 1st June, 1836, all persons amenable to, in Civil proceedings, ...	....	XI.	II.	
Sugar to be seized and confiscated, if any person, after the 1st December, 1836,				

lands

	Year.	Act.	Section.	Clause.
lands or attempts to land any, not being the growth of a British possession into which foreign Sugar cannot be legally imported—Proviso, ...	1836.	XXXII.	I.	
Sugar—Any owner of, or his agent, desirous of obtaining a certificate of origin to make a declaration in the Form A, ..	....	.....	II.	
„ Certificate in the Form B to be granted under circumstances stated, ...	....	.....	III.	
„ Every person intending to ship Sugar for any part of the United Kingdom entitled to produce the certificate, and to make a declaration in the Form C, ...	....	.....	IV.	
„ On doing so, a certificate to be granted him in the Form D, ...	....	.....	V.	
„ Punishment for knowingly affirming an untruth in making any declaration under this Act, ...	....	.....	VI.	
Superintendent of Camp Police—Government may appoint a, on occasions stated, ...	....	XXVI.	I.	
„ To have concurrent jurisdiction with the Magistrate, ...	....	.....	II.	
„ And to transmit to him any person he may commit for trial or sentence, with a copy of the commitment or sentence, to which the Magistrate is to give effect, ...	....	.....	III.	
„ All Officers subordinate to the Magistrate to be assisting to the Superintendent, ...	....	.....	IV.	
Thugs—Punishment for persons belonging to any gang of, ...	....	XXX.	I.	
„ Court which may try such persons, ...	....	.....	II.	
„ No Futwa required on trial of such persons, ...	....	.....	III.	
Tolls—see Canals.				
Tolly's Nullah—see Regulations.				
Warehousing Ports—Governments of Presidencies to declare, ...	....	XXV.	I.	
„ Importers may then warehouse, ...	....	.....	II.	
„ Making application in Form A annexed—Goods first to be assessed for Customs Duty—Warehousekeeper to be answerable for weight or gauge of the Custom House, allowing for wastage, ..	....	.....	III	
„ Misdescription of Tale Goods or Packages, to injury of revenue, punish-				

able

	Year.	Act.	Section.	Clause.
able by fine of ten times the loss—Error of over-statement may be rectified before, not after, entry into warehouse, ..	1836.	XXV.	IV.	
Warehousing Ports—Packages to be marked and numbered before reception into warehouse, ...	....	.....	V.	
„ When the duty exceeds 100 Rupees, Bond may be executed for it in Form B. And Goods may then remain in warehouse for fifteen months, without demand of duty—Bond to be for twice the duty, and to bear interest from the date of demand—The obligee to be bound for all duties and charges claimable on the Goods, and for all penalties,	....	.....	VI.	
„ But Collector to have power to proceed against the Goods, or under the Bond at his option. And to detain Goods, and sell after ten days, if the demand be not paid—Proceeds of sale to be written off on the Bond—And surplus paid over to the owner of the Goods —No transfer to bar this process, ...	....	.....	VII.	
„ After fifteen months the Board may renew the Bond for other fifteen months,	....	.....	VIII.	
„ Goods re-landed from a vessel put back may be warehoused without Bond and re-shipped, under the previous settlement of duties—Exception, ...	....	.....	IX.	
„ Reserved duty on re-export to be chargeable on removal of Goods for shipment, and Bonds to be cancelled on payment thereof, ...	....	.....	X.	
„ On removal otherwise than for re-export, or if not cleared in time, full import duty to be levied, with interest and charges—And Collector may cause Goods to be sold in satisfaction, if not paid in ten days, ...	....	.....	XI.	
„ Removal of Goods to be noted in the Bond, with particulars, ...	....	....	XII.	
„ And the same particulars to be registered in the Register of Bonds—When Registry shews all the Bonded Goods to have been cleared out, Bond to be cancelled, and returned to the obligee, ...	....	.....	XIII.	
„ The Custom House Godowns and other Government Godowns to be public				

warehouses

	Year.	Act.	Section.	Clause.
warehouse—These to be under the Collector's or Warehouse-keeper's key, Warehousing Ports — Board to determine what Goods are to be receivable into public warehouse and the terms and rates of warehouse rent or hire—Table of rates to be exposed conspicuously, ...	1836.	XXV.	XIV.	
„ Owners to have access to their warehoused Goods, attended by a Custom House Officer during business hours,	....	.....	XV.	
„ Expences of carriage, packing, &c. are to be borne by the owners, and to be realized as Customs duties—Bill for rent to be sent in monthly—And if not paid in ten days, Goods may be sold in satisfaction—Collector not answerable for loss by fire, or other accident, nor for damage, ...	....	.....	XVI.	
„ Wastage to be allowed as per Table,	....	.....	XVII	
„ Board may license any private warehouses—License to be revocable at pleasure, unless otherwise stipulated, ..	....	.....	XVII	
„ Applications for license for Private Warehouse to be in Form C, with particulars filled up, ...	....	.....	XIX.	
„ Collector or Warehouse-keeper to have access to all licensed Warehouses for himself and his Officers—Proprietors refusing admittance, subject to penalty of 1,000 Rupees, and withdrawal of license—Bonds for duty to be put in suit seven days after notice of such penalty or of withdrawal of license, ..	....	.....	XX.	
„ If Goods be found deficient beyond the wastage allowance at time of delivery from warehouse, owner to forfeit ten times the duty on the deficiency—If found excessive, ten times the duty to be paid on the excess, and Goods to be detained till paid, ...	....	.....	XXI.	
„ Collector of Customs may issue warrant for breaking packages to search and examine Goods—When repacked, to be sealed, and seal not to be rebroken without sanction of Board—Except under application from Proprietor—Then to be resealed, ...	....	.....	XXII.	
„ Goods to be stamped on reception into or delivery from warehouse—The			XXIII.	

stamp

	Year.	Act.	Section.	Clause.
stamp not to be removed or effaced without sanction of Collector—Under penalty of 500 Rupees on conviction before a Magistrate—But owners may be allowed by the Collector to take samples, ...	1886.	XXV.	XXIV.	
Warehousing Ports—Goods not to be removed from warehouse, without being passed through the Custom House, ...	....	.....	XXV.	
„ If a package be broken, duty to be levied on all the Goods contained therein,	....	.....	XXVI.	
„ Applications to remove Goods to be made in Form D. And twenty-four hours notice to be given of removal,....	....	.....	XXVII.	
„ Goods may be removed from one warehouse to another, application being made in Form E.	....	.....	XXVIII.	
„ No duty to be levied on Goods destroyed by fire or other accident; and if damaged, duty to be levied on the damaged value, ...	....	.....	XXIX.	
„ Penalties under this Act to be adjudged by the Collector of Customs, subject to confirmation by the Board or other superior authority of Customs.	....	.....	XXX.	
„ Zillah and City Judges—see Sudder Dewanny Adawlut.				
„ Zillahs — Government may create new ones, from 1st of October 1836, and alter the limits of existing Zillahs, ...	....	XXI.	I.	

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INDEX

TO THE

ACTS OF THE SUPREME GOVERNMENT

FOR 1836.

	Year.	Act.	Section.	Clause.
Act of Parliament—To provide for the Relief of Insolvent Debtors, to continue in force till the 1st March, 1839,.....	1836.	IV.	I.	
„ The 107th Clause of 53 Geo. 3d, connected with the Company's Charter, shall cease to have effect from the 1st June, 1836, ...	....	XI.	I.	
Assessment—The power of levying at Madras, under 33 Geo. III. Cap. 52, transferred from the Justices in Sessions to the local Government, who may exempt any District from payment of such Assessment,..	....	XXVIII.		
Bank of Bengal—Amount at which any person may hold Capital Stock of the, and extent to which any existing Proprietor may subscribe for additional Stock, ...	....	XIX.	I.	
„ Amount to which the increased Capital Stock shall be made up by the 1st of October, 1836, ...	....	.....	II.	
„ Amount which shall from said date be the Capital Stock, and Shares into which it shall be divided, ...	....	.....	III.	
„ Number of Shares to be held by Government. Individuals may hold the rest, and price of such Share, ...	....	.....	IV.	
„ On the 30th September, 1836, the account of profits shall be wound up, and a dividend declared, and the first dividend of the profits on the new Shares shall be declared on 1st January, 1837, ...	....	... .	V.	

Bank of

	Year.	Act.	Section.	Clause.
Bank of Bengal—Course to be pursued, if the subscription for any Share shall not be paid up by the 1st of October, ...	1836.	XIX.	VI.	
„ Certificates to be granted for the new Shares, which shall be registered, and be transferrable and assignable, ..	....	.....	VII	
„ And may be sub-divided into quarter Shares, and assigned, transferred, and re-united, ...	....	.....	VII	
„ Scale according to which Proprietors shall be entitled to vote, ...	....	.....	IX.	
Begum Sumroo—Any of the Territories lately held by the, on being annexed to any District under Government, subject to its Laws and Regulations, ...	....	XVII.	I.	
„ Criminal Courts not to take cognizance of any offence committed in said Territories, previously to the 27th January, 1836, unless especially empowered,	....	....	II.	
„ No Civil Court to take cognizance of any claim in said Territories, which may have been finally decided by a Court of competent jurisdiction, ...	....	.....	III.	
Bhore Ghât at Bombay—See Toll.				
Bombay Civil Courts—See Sudder Dewanny Adawlut.				
Butwarra—None while in progress to be quashed, ...	....	XX.	II.	
„ Except when six months notice shall have been given, and such notice affixed at certain Offices, and no party objects within period stated, ...	....	.....	III.	
„ Every, which before the 1st of October, 1836, may have been quashed, to be taken as having been lawfully so,	....	.....	IV.	
Camps—See Superintendent of Camp Police.				
Canals—From 1st November, 1836, Governor of Bengal competent to prescribe amount of Toll, and the mode of levying the same on certain, ...	....	XXII.	II.	
„ Proviso as to the aggregate amount of Toll to be levied, ...	....	.....	III.	
„ Government competent to fix the rent to be levied on boats, rafts, and floats, under circumstances specified, ..	....	.....	IV.	
„ As also to appoint Officers for collecting the Tolls and Rent, with certain powers possessed by Magistrates, ...	....	.....	V.	

	Year.	Act.	Section.	Clause.
Canals—Punishment for causing any obstruction of either of the lines of navigation noted, or any damage to the banks along them, ...	1836.	XXII.	VI.	
„ Notifications of the rates of Toll and Rent, of the places of collection, and of all rules, to be published and exposed to public view, ...	....	.....	VII.	
„ Course to be pursued, if the Toll or Rent due shall not be paid, ...	....	.....	VIII.	
„ Also, if an attempt be made to evade payment of them, or a seizure resisted,	....	.....	IX.	
Cattle—See Duties.				
Coins—Calcutta Sicca Rupee shall, from the 1st January, 1838, cease to be a legal tender in discharge of any debt, but to be received at public Treasuries by weight, subject to one per cent. for recoinage, ...	....	XIII.	I.	
„ The Pice struck at the Mints of Benares and Furruckabad, to be a legal tender only within the provinces and places for which they were coined, ...	....	.....	II.	
Commanding Officers of Military Stations may administer, within the limits of such Stations, any Oath which a Justice of the Peace is competent to administer, ...	....	IX.		
Company's Charter—See Acts of Parliament.				
Contempt of Court—No person committed to custody under Section XXII. Regulation III. 1802, of the Madras Code, to be kept in custody for more than two months, ...	....	VI.		
Decree—Holder of a, passed by the Nuwab of Furruckabad, under Regulation II. 1803, Section VIII, may sue out execution after six weeks, in the Zillah Court of the District,....	....	XII.		
Defendants—See Indigo Plant.				
Duties—Abolition of those levied on the import of cattle into Salsette,....	....	III.		
„ (Customs)—Levied on the import of certain articles into the Island of Bombay,	....	II.	II.	
„ Drawback of such duties to be allowed only on exportation to the United Kingdom in British bottoms—amount of the drawback, ...	....	.....	III.	

	Year.	Act.	Section.	Clause.
Duties (Customs)—On Wine, or Spirits, none paid since 1st January, 1827, liable to be recovered by any person, ...	1836.	II.	IV.	
„ Import Duties to be levied according to Schedule A.,....	....	XIV.	II.	
„ Export Duties to be collected on Country Goods according to Schedule B.,	....	.....	III.	
„ No Goods entered therein as liable to duty to be exempted, except by order of Government, but the Collector may pass Baggage belonging to Passengers at his discretion, ...	....	.....	IV.	
„ Existing rules to be enforced for levying the new Import and Export Duties, ...	....	.....	V.	
„ Place may be fixed by Governor of Bengal, beyond which an inward bound vessel is not to proceed until a Manifest has been delivered to Pilot to be forwarded. Master to be responsible for its correctness under penalty of Rupees 1,000. Goods in excess, or not corresponding with Manifest, to be seized and confiscated, or charged with increased duties. The Masters of Vessels lying below, to deliver Manifests on coming to anchor. If remaining at anchor 24 hours, without sending Manifest, to be subject to penalty of 1,000 Rupees, ...	....	.....	VI.	
„ No vessel to break bulk, unless two copies of Manifest have been received —and entry may be refused, until papers of the places of departure are delivered,	....	.....	VII.	
„ Collector may send Custom House Officer on board any vessel. To remain on board till she sails, ...	....	.....	VIII.	
„ Persons refusing to admit Custom House Officers, or not giving them proper accommodation, liable to fine, ...	....	.....	IX.	
„ Collector may order a vessel to be searched. Bulk heads to be broken open if not opened on requisition. Any concealed Goods to be confiscated. Resistance or refusal of Masters, punishable with fine of 1,000 Rupees, ...	....	.....	X.	
„ Goods not to be landed or put on board till entry of the ship is duly made.				

	Year.	Act.	Section.	Clause.
Cargo to be sent ashore, and laden outwards, according to existing Forms, ..	1836.	XIV.	XI	
Duties (Customs)—Goods manifested not to be landed in ordinary form. But to be seized on board. Master to be answerable that all goods manifested are forthcoming and duly passed. Under penalty of 500 Rs. for each missing package of unknown value, or double duty if assessible. Rule for presenting an amended or supplemental manifest, ..	....	.....	XII.	
„ Custom House Officers taking unauthorized fees or bribes subject to penalty of 500 Rs. Same penalty on persons offering, ...	....	.....	XIII.	
„ Collector to investigate and adjudge confiscation. Board's confirmation necessary, ...	....	.....	XIV.	
„ Twenty or thirty days allowed to clear inwards according to tonnage. After which the Master to pay charges of the Custom House Officer. Master to land Goods if Consignees do not. If these fail, Collector may land and warehouse, and Cargo not to be exempt from duty on re-export, unless all the while in charge of Custom House Officers. Proviso for re-importation when duties and drawbacks are to be refunded. And Master to forfeit the value of drawback Goods not forthcoming, ...	....	.....	XV.	
„ Further period of fifteen or twenty days for continuous lading for export. If the vessel be laid up, Tide Waiter to search and leave, certifying that it is empty. Twenty or thirty days, according to tonnage, allowed for lading a vessel outwards after being laid up, but search and certificate that nothing is on board necessary, ...	....	.....	XVI.	
„ When penalty has been incurred by a Master, the Collector may refuse Port Clearance of the vessel till it be paid, ...	....	.....	XVII.	
„ Goodsshipped after Port Clearance to pay double duty, and 5 per Cent. if free,	....	.....	XVIII.	
„ In case of relanding for damage, &c. Officer to proceed on board to watch, ..	....	.....	XIX.	

	Year.	Act.	Section.	Clause.
Duties (Customs)—No refund of export duty after Port Clearance, ...	1836.	XIV.	XX.	
„ Arabs and other Foreign Asiatic Vessels to be deemed foreign, ...	....	.....	XXI.	
„ Dhoonies, &c. to be required to anchor in a particular part of the river—Penalty, if not moved to said Ghaut when required, 100 Rupees—Vessel, its equipment, or cargo, may be seized—Dhoonies, &c. from Maldives and Nicobars to be British Vessels, ...	....	.....	XXII.	
Execution of Decrees—See Sudder Ameens.				
Fees and Commission—See Registers and Sudder Ameens.				
Fort St. George Civil Courts—See Sudder Dewanny Adawlut.				
Functionaries appointed to the Political charge of Subathoo and the other Territories annexed thereto, placed under the control and superintendence in civil cases of the Allahabad Sudder, which is to exercise the same agreeably to instructions from Government, ...	....	XV.	I.	
Furruckabad Nuwab—See Decree.				
Goomsur—Operation of the general Regulations, and the ordinary functions of the Judicial and Revenue authorities, suspended within the Zemindary of, ...	....	XXIII.	I.	
„ Local Government authorized to appoint a Commissioner for the administration of that Zemindary, ...	....	.....	II.	
„ Jurisdiction of the Court of Circuit and Court of Foujdary Adawlut not suspended in respect to cases depending on the 15th November, 1836, ...	....	.....	III.	
„ Court of Circuit and Court of Foujdary Adawlut shall have Criminal Jurisdiction and be guided by the general Regulations, in respect of persons who may be committed for trial by the Commissioner, ...	....	.....	IV.	
Grants of Money or Land Revenue—Provisions of Regulation IV. of 1831, Madras Code, extended to all grants within that Presidency made by the Native Governments, and confirmed by the British Government, ...	....	XXXI.		

	Year.	Act.	Section.	Clause.
Indigo Plant—Not to be cut or removed, without sufficient security, under certain circumstances, ...	1836.	X.	II.	
„ Any person prevailing, under circumstances stated, upon a Ryot to break a lawful contract, as well as the Ryot, liable to prosecution—Proviso, ...	....	.....	III.	
„ Court authorized to examine both Plaintiff and Defendant, and to compensate the latter, ...	....	.....	IV.	
„ Suits instituted under Regulation VI. 1823, or this Act, referrible to Principal Sudder Ameens or Sudder Ameens, ...	....	.....	V.	
Insolvent Debtors—See Acts of Parliament.				
Land Revenue—Grants of,—(See Grants.)				
Law Officers—Qualifications of the Candidates for the situation of, at Madras, how to be ascertained,..	....	XXVII.	II.	
Light House—Government of Bombay may employ any portion of the fees levied under Regulation II. of 1831, for the support of the, at Peerim in the Cambay Gulph, for general purposes,..	....	I.		
Moonsiffs—See Sudder Ameens.				
Oaths—See Commanding Officers.				
Peerim—See Light House.				
Pice—See Coins.				
Plaintiffs—See Indigo Plant.				
Registers of the Zillah Courts at Madras—No fees to be received by them for performing Judicial duties, ...	....	XXIX.	II.	
Registry of Deeds,—fees on, receipt not prohibited, ...	....	.....	„	
Regulation VI. 1831, Bombay Code—(See Light House.)				
„ III. 1834, Bombay Code, rescinded, with exception of its repealing provisions, ...	....	II.	I.	
„ III. 1802, Section XXII., Madras Code, See Contempt of Court.	....	VI.		
Regulations III. and IV. 1817, VII. 1818, IV. 1821, XIX., XX. and XXI. 1827, XV. 1828, XX. 1830, II. and XIII. 1831, and I. and X. 1833, Bombay Code, legalizing all acts done, and levies made under them, ...	....	VII.	I.	

	Year.	Act.	Section.	Clause.
Regulations XIX. and XXXII. of 1827, Bombay Code, to constitute the law for collecting the taxes therein enumerated, ..	1836.	VII.	II.	
Regulation VI. 1823, Section V. Clause Third of the Bengal Code, repealed, ..	....	X.	I.	
„ II. 1803, Section VIII. Bengal Code —See Decree, ...	...	XII.		
„ XXV. 1817, Section V. of the Bengal Code, repealed from the 1st of June, 1836, ...	....	XIII.	II.	
Regulations imposing transit and town duties in the interior, and fixing rates of import and export duty on sea goods repealed from 1st June, 1836, except as regards the Jumna or any frontier line, and duties on Western Salts, ...	....	XIV.	I.	
Regulation IX. of 1830, Section I. of Bombay Code, modified, ...	....	XVIII.	I.	
„ —— So much of Clause Third, Section III. Regulation XI. of 1822 of the Bengal Code, as relates to sale for arrears of joint estates, during the progress of a Butwarra or Partition, repealed, ...	....	XX.	I.	
„ VII. of 1810, and such parts of Regulation XVIII. of 1806 of the Bengal Code, as relates to "Tolly's Nullah," repealed from 1st November, 1836, ...	....	XXII.	I.	
Regulations general of the Madras Code suspended—See Goomsur, ...	....	XXIII.	I.	
Regulation V. 1817, Madras Code, repealed,	....	XXVII.	I.	
„ XIV. 1816, Section III. extended in respect to the appointment of Vakeels in the Courts of Adawlut, and Section III. Regulation XI. 1802, and Clause 2, Section III. Regulation VII. 1822, in regard to the examination of Candidates for the situation of Law Officers, ...	....	.....	II.	
„ IV. of 1831, Madras Code, extended, ...	....	XXXI.		
Ryots—See Indigo Plant.				
Salsette—See Duties.				
Sicca Rupees (Calcutta)—See Coins.				
Soradah—See Goomsur.				
Subathoo—See Functionaries.				
Sudder Ameens—Zillah and City Judges to refer to Principal, for execution, applications for the enforcement of decrees,	....	V.	I.	

	Year.	Act.	Section.	Clause.
Sudder Ameens—From 31st March, 1836, no person, incapable of being a Principal Sudder Ameen, Sudder Ameen, or Moonsiff, by reason of place of birth or descent, ...	1836.	VIII.	I.	
„ Liability of British born subjects of the King, or their descendants, who shall be appointed Principal Sudder Ameens, Sudder Ameens, or Moonsiffs, and the tribunals to which they are amenable, ...	....	....	II.	
„ See Indigo Plant.				
„ See Sudder Dewanny Adawlut.				
„ Altering the designation of Native Judicial Functionaries in the Presidencies of Madras and Bombay, who are in future to be called Principal Sudder Ameens, Sudder Ameens and Moonsiffs, ...	....	XXIV.	I & II.	
„ From November 1st, 1836, no person incapable of being appointed to those offices by reason of place of birth or descent, ...	....	.....	III.	
„ Liability of British born subjects, or their descendants, who shall be so appointed, and the tribunals to which they shall be amenable, ...	....	.....	IV.	
„ No person to be exempted in any Civil proceeding from the jurisdiction of the Assistant Judges under the Bombay Presidency, ...	....	.....	V.	
„ Number of,—under the Madras Presidency, to be increased or diminished at pleasure. No fees (except for registry of deeds) to be received by Registers and Sudder Ameens, ...	....	XXIX.		
Sudder Dewanny Adawlut—Zillah and City Judges—Principal Sudder Ameens—Sudder Ameens, and Fort St. George and Bombay Civil Courts—From 1st June 1836, all persons amenable to, in Civil proceedings, ...	....	XI.	II.	
Sugar—to be seized and confiscated, if any person, after the 1st December, 1836, lands or attempts to land any, not being the growth of a British possession into which foreign Sugar cannot be legally imported—Proviso, ...	....	XXXII.	I.	

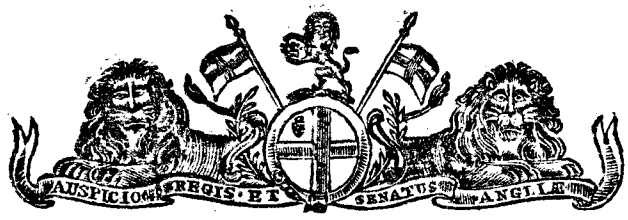
	Year.	Act.	Section.	Clause.
Sugar—Any owner of, or his Agent, desirous of obtaining a certificate of origin to make a declaration in the Form A, ...	1836.	XXXII.	II.	
„ Certificate in the Form B. to be granted under circumstances stated, ..	....	.....	III.	
„ Every person intending to ship Sugar for any part of the United Kingdom entitled to produce the certificate, and to make a declaration in the Form C, ...	....	.....	IV.	
„ On doing so, a certificate to be granted him in the Form D.,..	.....	.....	V.	
„ Punishment for knowingly affirming an untruth in making any declaration under this Act,....	....	.....	VI.	
Superintendent of Camp Police—Government may appoint a, on occasions stated,	....	XXVI.	I.	
„ To have concurrent jurisdiction with the Magistrate,....	....	.....	II.	
„ And to transmit to him any person he may commit for trial or sentence, with a copy of the commitment or sentence, to which the Magistrate is to give effect, ..	....	.....	III.	
„ All Officers subordinate to the Magistrate to be assisting to the Superintendent, ...	....	.....	IV.	
Taxes—Legalizing the levy of certain, under Regulations of the Bombay Code, ...	....	VII.		
Thugs—Punishment of persons belonging to any gang of,.....	....	XXX.	I.	
„ Court which may try such persons,	....	.....	II.	
„ No Futwa required on trial of such persons, ...	....	.....	III.	
Toll—to be levied on certain descriptions of Carts and Hackeries passing the Bhore Ghât at Bombay, ...	....	XVIII.	I.	
„ Collection of, to be under the Superintendence of such person as the local Government shall appoint,....	....	.....	II.	
„ Right of Government to grant exemptions reserved, ...	....	... .	III.	
Tolls—See Canals.				
Tolly's Nullah—See Regulations.				
Vakeels—Appointment of, to the additional Government Commissioner's Office at Madras, ...	....	XVI.	I.	
„ Commissioner to suspend any such, from his functions, reporting the case to the Provincial Court, ...	....	.....	II.	

	Year.	Act.	Section.	Clause.
Vakeels—Provincial Court may dismiss, ..	1836.	XVI.	III.	
„ Commissioner to provide rules for the practice and remuneration of the Vakeels, which when approved by the Sudder Court, shall have legal force, ...	....	.....	IV.	
„ No person not so appointed, or who may be suspended or dismissed, shall act as Vakeel in Commissioner's Office,	....	....	V.	
„ In the Madras Courts—Future appointment of, ...	....	XXVII.		
Warehousing Ports—Governments of Presidencies to declare, ...	...	XXV.	I.	
„ Importers may then warehouse,....	....	.....	II.	
„ Making application in Form A. annexed—Goods first to be assessed for Customs Duty—Warehouse-keeper to be answerable for weight or guage of the Custom House, allowing for wastage, ..	....	.....	III.	
„ Misdescription of Tale Goods or Packages, to injury of revenue, punishable by fine of ten times the loss—Error of over-statement may be rectified before, not after, entry into Warehouse,	.. .	.....	IV.	
„ Packages to be marked and numbered before reception into Warehouse,	....	.....	V.	
„ When the duty exceeds 100 Rupees, Bond may be executed for it in Form B. And Goods may then remain in Warehouse for fifteen months, without demand of duty—Bond to be for twice the duty, and to bear interest from the date of demand—The obligee to be bound for all duties and charges claimable on the Goods, and for all penalties, ...	....	.....	VI.	
„ But Collector to have power to proceed against the Goods, or under the Bond at his option. And to detain Goods, and sell after ten days, if the demand be not paid—Proceeds of Sale to be written off on the Bond—And surplus paid over to the owner of the Goods—No transfer to bar this process,	....	.....	VII.	
„ After fifteen months the Board may renew the Bond for other fifteen months,	....	.....	VIII.	
„ Goods re-landed from a vessel put back may be warehoused without Bond and re-shipped, under the previous settlement of duties—Exemption, ...	....	.. ..	IX.	

	Year.	Act.	Section.	Clause.
Warehousing Ports—Reserved duty on re-export to be chargeable on removal of Goods for shipment, and Bonds to be cancelled on payment thereof, ...	1836.	XXV.	X.	
„ On removal otherwise than for re-export, or if not cleared in time, full import duty to be levied, with interest and charges—And Collector may cause Goods to be sold in satisfaction, if not paid in ten days, ...	....	.....	XI.	
„ Removal of Goods to be noted in the Bond, with particulars, ...	....	.....	XII.	
„ And the same particulars to be registered in the Register of Bonds—When Registry shews all the Bonded Goods to have been cleared out—Bond to be cancelled, and returned to the obligee,	....	.....	XIII.	
„ The Custom House Godowns and other Government Godowns to be public Warehouses—These to be under the Collector's or Warehouse-keeper's key,....	....	.....	XIV.	
„ Board to determine what Goods are to be receivable into public Warehouse and the terms and rates of Warehouse rent or hire.—Table of rates to be exposed conspicuously, ...	....	.....	XV.	
„ Owners to have access to their Warehouse Goods, attended by a Custom House Officer during business hours, ...	....	.....	XVI.	
„ Expences of carriage, packing, &c. are to be borne by the owners, and to be realized as Customs duties—Bills for rent to be sent in monthly—And if not paid in ten days, Goods may be sold in satisfaction—Collector not answerable for loss by fire, or other accident, nor for damage,	....	.....	XVII.	
„ Wastage to be allowed as per Table,	....	....	XVIII.	
„ Board may license any Private Warehouses—License to be revocable at pleasure, unless otherwise stipulated, ...	....	.....	XIX.	
„ Applications for license for Private Warehouse to be in Form C, with particulars filled up,....	....	... .	XX.	
„ Collector or Warehouse-keeper to have access to all licensed Warehouses for himself and his Officers—Proprietors refusing admittance, subject to penalty of 1,000 Rupees, and withdrawal of				

	Year.	Act.	Section.	Clause.
License—Bonds for duty to be put in suit seven days after notice of such penalty or of withdrawal of license,....	1836.	XXV.	XXI.	
Warehousing Ports—If Goods be found deficient beyond the wastage allowance at time of delivery from Warehouse, owner to forfeit ten times the duty on the deficiency. If found excessive, ten times the duty to be paid on the excess, and Goods to be detained till paid, ...	....	.....	XXII.	
„ Collector of Customs may issue warrant for breaking packages to search and examine Goods—When repacked, to be sealed, and seal not to be rebroken without sanction of Board—Except under application from Proprietor—Then to be resealed, ...	....	.....	XXIII.	
„ Goods to be stamped on reception into or delivery from Warehouse—The stamp not to be removed or effaced without sanction of Collector—Under penalty of 500 Rupees on conviction before a Magistrate—But owners may be allowed by the Collector to take samples, ...	....	.....	XXIV.	
„ Goods not to be removed from Warehouse, without being passed through the Custom House,....	....	.....	XXV.	
„ If a package be broken, duty to be levied on all the Goods contained therein,	....	.....	XXVI.	
„ Applications to remove Goods to be made in Form D—And twenty-four hours notice to be given of removal, ...	....	.....	XXVII.	
„ Goods may be removed from one Warehouse to another, application being made in Form E, ...	....	.....	XXVIII.	
„ No duty to be levied on Goods destroyed by fire or other accident; and if damaged, duty to be levied on the damaged value,.....	....	.....	XXIX.	
„ Penalties under this Act to be adjudged by the Collector of Customs, subject to confirmation by the Board or other superior authority of Customs,....	....	.....	XXX.	
Zillah and City Judges—See Sudder Dewanny Adawlut.				
Zillahs—Government may create new ones, from 1st October 1836, and alter the limits of existing Zillahs,.....	....	XXI.	I.	

G. H. Huttmann, Bengal Military Orphan Press.



ACT No. I. OF 1837.

Passed by the Right Hon'ble the Governor General of India in Council,

on the 6th February 1837.

IT is hereby enacted, that from the 1st day of March next, it shall be lawful for any one Justice of the Peace for the Town of Calcutta, to issue a Warrant of Distress for the recovery of Arrears of Assessment occurring under the Act of Parliament 33, George III. Cap. 52, and every such Warrant, shall have the same force as if it were under the hands and seals of two such Justices.

ACT NO. II. OF 1837.

Passed by the Right Hon'ble the Governor General of India in Council, on the 6th February 1837.

I. IT is hereby enacted, that from the 1st day of March next, Regulation IX. of 1830, and Regulation XI. of 1831, of the Bombay Code, and Act No. XVIII. of 1836, of the Governor General of India in Council, be repealed.

II. And it is hereby enacted, that the following rates of Toll shall, from the said day, be levied in the Company's Currency at the Toll Gate of the Bhore Ghaut, on Vehicles and Animals, both in going and returning;

On every four-wheeled Carriage on springs	1 Rupee.
On every two-wheeled Carriage on springs, except Native Hackeries.	½ Rupee.
On every Native Hackery on springs	2 Annas
On every labor Cart and labor Hackery not on springs and having wheels of less diameter than three feet six inches, and tyers less in breadth than three inches, if drawn by two Bullocks	½ Rupee.
On every labor Cart and labor Hackery drawn by 4 Bullocks	1 Rupee.
On every labor Cart and labor Hackery not on springs, and not having wheels of less diameter than three feet six inches and tyers less in breadth than three inches if drawn by two Bullocks	1½ Anna.
On every such labor Cart and labor Hackery drawn by 4 Bullocks	3 Annas.
On every Elephant,	½ Rupee.
On every Camel,	¼ Rupee.
On every Saddle Horse and Harness Horse,	1 Anna.
On every Tattoo,	6 Pie.
On every score of Sheep or Goats,	2 Annas.
On horned Cattle per head	2 Pie.
On every Beggary carrying a load for hire	2 Pie.
On every Mule not used for riding	3 Pie.
On every Mule used for riding	1 Anna.
On every Ass,	1 Pie.
On every Palna or small Native Palanquin	¼ Rupee

III. And it is hereby enacted, that it shall be competent to the Governor in Council of Bombay to appoint persons for the collection of the Tolls aforesaid, which persons shall, in the execution of such their office, be liable to the same responsibility as would attach to them if they were employed in the collection of the Land Revenue.

IV. And it is hereby enacted, that it shall be lawful for the persons employed in the collection of the Tolls aforesaid in case of non-payment of the Toll on any property, to stop such property or such part thereof as may be adequate to the discharge of the Toll due, and that every Police Officer when thereunto required shall be assisting to the persons employed in the collection of the Tolls aforesaid in the discharge of their duties.

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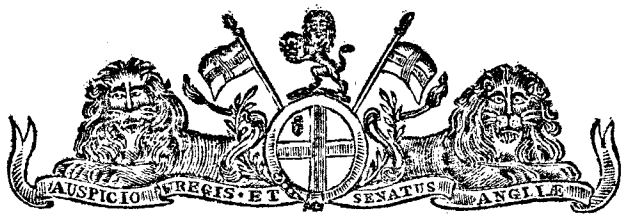
V. And it is hereby enacted, that in case any Toll due shall remain unpaid for the space of 24 hours, after such detention of property as is aforesaid, it shall be lawful for such person as the Governor in Council of Bombay shall appoint to act in that behalf, to direct the sale of the property detained, and to reserve out of the proceeds of such sale a sum equivalent to the Toll due, and also in cases in which it shall appear to that person that the payment of the Toll has been contumaciously refused, to reserve a fine not exceeding 5 Rupees; and that the surplus, if any, shall be repaid to the owners of the property on application.

VI. Provided always, that nothing herein contained shall be taken to deprive the owner of any property detained as aforesaid of his right of action in the Civil Court of the Zillah for any injury which may have been done to him under color of carrying this Act into execution.

VII. Provided also, that nothing herein contained shall be held to prevent the Governor in Council of Bombay from granting any exemption from payment of the said Tolls, or from granting a farm of the said Tolls.



ACT No. III. OF 1837.

Passed by the Right Hon'ble the Governor General of India in Council, on the 13th March 1837.

I. IT is hereby enacted, that it shall be lawful for each of the Courts of Sudder Dewanny Adawlut, within the Territories subject to the Presidency of Fort William in Bengal, to direct by an order authenticated by the official signature of the Register of such Court of Sudder Dewanny Adawlut, that the Cognizance of any Original Suit, or of any Appeal which may be brought before any Zillah or City Court subordinate to such Court of Sudder Dewanny Adawlut, shall be transferred to any other Zillah or City Court, subordinate to the same Court of Sudder Dewanny Adawlut.

II. Provided always, that whenever either of the said Courts of Sudder Dewanny Adawlut shall, in the exercise of the power given by the preceding Clause, direct the transfer of the Cognizance of any Suit, such Court of Sudder Dewanny Adawlut, shall cause the reasons for such transfer, to be recorded on its proceedings.

ACT No. IV. OF 1837.

Passed by the Right Hon'ble the Governor General of India in Council, on the 17th April 1837.

I. IT is hereby enacted that, after the 1st day of May next, it shall be lawful for any subject of His Majesty, to acquire and hold in perpetuity, or for any term of years, property in land, or in any emoluments issuing out of land, in any part of the Territories of the East India Company.

II. And it is hereby enacted that, all rules which prescribe the manner in which such property as is aforesaid may now be acquired and held by Natives of the said Territories, shall extend to all persons who shall, under the authority of this Act, acquire or hold such property.

ACT No. V. OF 1837.

Passed by the Right Hon'ble the Governor General of India in Council, on the 1st May 1837.

I. IT is hereby enacted, that from the 1st day of June next, no Native of India, except as hereinafter excepted, who makes a Contract of Service to be performed without the said Territories, shall be received in pursuance of such Contract, on board of any Vessel at any place within the Territories subject to the Presidency of Fort William in Bengal, without an order from the Governor of the said Presidency, or a Permit from an Officer authorized by the Governor of the said Presidency, to act in that behalf.

II. And it is hereby enacted, that before any such Permit shall be granted by any such Officer, such Native and also the person with whom such Native has contracted, or an authorized Agent of that person, shall personally appear before that Officer, and shall exhibit a Memorandum of the Contract (written both in English and in the mother tongue of such Native, or in some language understood by such Native) which Memorandum shall specify the nature, the term, and the wages of the service as settled by the Contract.

III. And it is hereby enacted, that no such Permit shall be granted unless the Contract of service shall be made determinable on the expiration of one term of not more than five years, to be reckoned from the date of the Contract, or of successive terms, none of which shall exceed five years, and unless such Contract shall contain a stipulation that such Native shall be conveyed back to the Port at which he is embarked free of charge to himself at the expiration of his service.

IV. And it is hereby enacted, that it shall be lawful for the said Officer to examine the said Native and the person with whom that Native has contracted, or the Agent of that person, touching the terms of the Contract, and shall cause those terms to be distinctly explained to the said Native.

V. And it is hereby enacted, that if the said Officer shall be satisfied that the said Native fully understands the terms of the Contract and is desirous to fulfil the same, the said Officer shall make and sign on the back of the written Memorandum aforesaid, a note to the effect, that the said written Memorandum has been inspected by him the said Officer; and such note shall be a Permit authorizing the said Native to embark, and the Memorandum of Contract with the Permit so written thereupon, shall be delivered to the Native to be kept by him during his service.

VI. And it is hereby enacted, that if application is made for Permits authorizing more than twenty Natives to embark on board of any one Vessel, it shall be lawful for the Officer aforesaid, to summon the person in charge of that Vessel, and to examine that person as to the accommodations, food, and Medical attendance provided for such Natives on board of that Vessel, and to inspect that Vessel, or by an order under his hand, to depute any other person to inspect the same.

VII. And it is hereby enacted, that the Officer aforesaid shall not grant Permits authorizing a greater number of Natives than twenty to embark on board of

any one Vessel, unless he is satisfied that the accommodations, food, and Medical attendance provided for such Natives on board of that Vessel, will be sufficient for their health.

VIII. And it is hereby enacted, that the Officer aforesaid shall keep a Register of all Natives to whom he shall grant such Permits as aforesaid, which Register shall specify their names, the periods of the Contracts, the dates of the Permits, the places of their destination, and the Vessel on board of which they were permitted to embark.

IX. And it is hereby enacted, that for every such Permit it shall be lawful for the Officer aforesaid to require that a fee not exceeding One Rupee shall be paid by the person with whom the Native to whom the Permit relates has contracted, or by the authorized Agent of that person.

X. And it is hereby enacted, that whoever being in charge of any Vessel at any place within the Territories subject to the Presidency of Fort William in Bengal, shall knowingly suffer any such Native as is aforesaid to embark on board of that Vessel in pursuance of any such Contract as is aforesaid, without either an order from the Governor of the said Presidency, or such a Permit as is aforesaid, being produced to him by the Native so embarking, shall on conviction thereof before a Magistrate, be punished with a fine not exceeding 200 Rupees for every Native so suffered to embark, and in default of payment of such fine, with imprisonment for a term not exceeding thirty days for every Native so suffered to embark.

XI. Provided always, that nothing in this Act contained shall be taken to apply to any Native Seaman who shall embark on board of any Vessel in pursuance of a Contract to navigate that Vessel, or to any person who shall embark as a Menial Servant.

ACT No. VI. OF 1837.

Passed by the Right Hon'ble the Governor General of India in Council, on the 1st May 1837.

I. IT is hereby enacted, that every Malgoozar in the Province of Cuttack, and every body of Malgoozars in the said Province having as such body, joint engagements with the Government, and being persons acknowledged as the proprietors or possessors of a permanent interest in the Mehaul for which they have engaged, shall be answerable for the Jumma fixed by the terms of the settlement now existing for every Mehaul of such Malgoozar or body of Malgoozars until a new settlement of such Mehaul shall be completed and confirmed, according to the provisions of Regulation VII. of 1822, and Regulation IX, of 1833 of the Bengal Code.

II. Provided always, that if any such Malgoozar or body of Malgoozars shall before the 1st day of August 1837, notify to the Collector of the District, within which any Mehaul of such Malgoozar or body of Malgoozars as aforesaid may be situated, that it is the intention of such Malgoozar or body of Malgoozars, to relinquish the existing engagements of such Malgoozar or body of Malgoozars, in respect of such Mehaul, at the expiration of the term for which those engagements have been made, it shall be lawful for such Malgoozar or body of Malgoozars, to relinquish the said engagements at the expiration of the said term.

ACT No. VII. OF 1837.

Passed by the Right Hon'ble the Governor General of India in Council, on the 1st May 1837.

IT is hereby enacted, that it shall be lawful for any of the Courts established by His Majesty's Charters, in any case in which such Court shall have recommended to His Majesty the granting of a free pardon to any Convict, to permit such Convict to be at liberty on his own recognizance.

ACT No. VIII. 1837.

Passed by the Right Hon'ble the Governor General of India in Council, on the 8th May 1837.

1. IT is hereby enacted, that from the 1st day of July 1837, the Districts of Anjengo and Changancherry, shall form a separate jurisdiction, which shall belong to the Western Division of the Territories, subject to the Government of the Presidency of Fort St. George.

II. And it is hereby enacted, that from the said day the British Resident in Travancore, shall exercise the powers of Judge and Criminal Judge within the said jurisdiction, sending to Calicut the parties and proceedings in cases to be tried by the Court of Circuit, and that the said Resident shall also exercise within the said jurisdiction, all the powers of a Magistrate, any thing contained in the Regulations of the Madras Code to the contrary, notwithstanding.

ACT No. IX. of 1837.

Passed by the Right Hon'ble the Governor General of India in Council, on the 15th May 1837.

I. IT is hereby enacted, that from the 1st day of June 1837, all immoveable Property, situate within the jurisdiction of any of the Courts established by His Majesty's Charter shall, as far as regards the transmission of such Property on the death and intestacy of any Parsee having a beneficial interest in the same, or by the last Will of any such Parsee, be taken to be and to have been of the nature of Chattels real and not of freehold.

II. Provided always, that in any Suit at Law or in Equity which shall be brought for the recovery of such immoveable Property as is aforesaid, no advantage shall be taken of any defect of title arising out of the transmission of such Property upon the death and intestacy of any Parsee having a beneficial interest in the same, or by the last Will of any such Parsee, if such transmission took place before the said 1st day of June 1837, and if such transmission were either according to the Rules which regulate the transmission of freehold Property, or else took place with the acquiescence of all persons to whom any interest in that Property would, according to the Rules which regulate the transmission of Chattels real, have accrued upon the death of such Parsee.

ACT No. X. OF 1837.

Passed by the Right Hon'ble the Governor General of India in Council, on the 22nd May 1837.

I. IT is hereby enacted, that from the date of the passing of this Act, Regulations I. and IX. of 1830, passed by the Governor in Council of Prince of Wales' Island, Singapore and Malacca, and likewise Regulation I. of 1831, passed by the Vice President in Council, shall be repealed.

II. And it is hereby enacted, that it shall be lawful for the Governor General of India in Council to appoint one or more Commissioners for the purpose of inquiring into, and deciding upon, claims to hold lands within any of the Settlements of Prince of Wales' Island, Singapore and Malacca, whether the said claims be founded on grants or titles registered in conformity with the provisions of any of the Regulations repealed by the foregoing Clause or not; provided nevertheless that every person holding land in any of the Settlements aforesaid, under a grant or title registered in conformity with the provisions of the said Regulations, shall be entitled to hold such land for such terms and on such conditions as are specified in such grant or title.

III. And it is hereby enacted, that on the arrival of any such Commissioner in any of the said Settlements, it shall be lawful for such Commissioner to require that all claims and applications to hold Lands in that Settlement, which may be pending before the Resident Councillor, Collector, or Superintendent of Land Revenue, shall be transferred to the said Commissioner, to be dealt with by him according to the powers vested in him by authority of this Act,

IV. And it is hereby enacted, that it shall be lawful for any such Commissioner whenever he may be within any of the said Settlements, to cause a survey or measurement to be made of any lands within that Settlement, in such manner as he may deem proper, and to require by a summons under his hand, any person resident within that Settlement to attend before him and to produce any document relating to the right to any land, or interest in land within that Settlement; and it shall further be competent to the said Commissioner to examine any such person upon oath touching the right to any such land or interest in such land.

V. And it is hereby enacted, that whenever any such Commissioner being within any of the said Settlements, shall in prosecution of the duties assigned to him by this Act discover that, any person owning, or occupying lands within that Settlement under any grant or title registered in conformity with any of the Regulations repealed by Section I, shall be in possession of more land than is specified in such grant or title, it shall be competent to the Commissioner aforesaid to declare the land so held in excess to be liable to separate assessment.

VI. And it is hereby enacted, that if any person shall hold or occupy land within any of the Settlements aforesaid, by a grant or title which shall not have been registered in conformity with the provisions of any of the Regulations repealed by this Act, and such person shall prefer a claim to hold or occupy the same, or if such claim shall arise out of any proceeding or inquiry held by the Commissioner under this Act, it shall be competent to the said Commissioner to investigate the claim, and in every case in which the said Commissioner shall be of opinion, that the claim is a fair one, the said Commissioner shall make a decree assigning the land to which there may be such fair claim to the party who has such fair claim on such conditions, and for such term as may be prescribed under the Rules laid down for the guidance of the said Commissioner, and such decree shall constitute a good title as against the Government to the land therein assigned on the conditions and for the term therein specified.

VII. And it is hereby enacted, that whenever the Commissioner aforesaid under the power vested in him by Section IV. of this Act, shall require the attendance of any person or the production of any document by any person, he shall cause such person to be served with a notice under the hand of the said Commissioner, stating the purpose for which the attendance of such person is required, the documents (if any) which such person is to bring with him, and the period within which such person is to attend, and if such person cannot himself be found, the notice shall be affixed at his usual place of residence.

VIII. And it is hereby enacted, that if any person shall wilfully omit to obey any lawful Summons to attend before the said Commissioner or to produce any document which he is required by the said Commissioner in the exercise of the lawful powers of the said Commissioner to produce, or to answer any lawful question put by the said Commissioner, it shall be competent to the said Commissioner to impose upon the person so wilfully omitting, for every such wilful omission, a fine not exceeding 50 Rupees, commutable if not paid, to imprisonment by order of the Commissioner in the Civil Jail for a period not exceeding one month.

IX. And it is hereby enacted, that whoever shall forcibly resist or cause to be resisted any such Commissioner, or any person employed by such Commissioner, in the performance of any thing which such Commissioner is by this Act authorized to perform, or to cause to be performed, shall, on conviction before a Magistrate, be punished with imprisonment for a term not exceeding one year, or fine, or both, in addition to any punishment to which such offender may be liable by reason of any other offence committed in the course of such resistance.

X. And it is hereby enacted, that whoever being under examination before any such Commissioner either on oath or on a declaration received instead of an oath, knowingly and deliberately affirms that to be true which he knows to be false, touching any point material to the question which the Commissioner is investigating, shall be taken to be guilty of perjury, and be dealt with accordingly.

XI. And it is hereby enacted, that all Orders and Decrees passed by any such Commissioner by which the possession of any land within any of the Settlements aforesaid shall be altered or affected, shall be final.

XII. Provided always, that if any party objects to any Decree or Order of the said Commissioner, on the ground that such Decree or Order deprives that party of a legal right to land or to some interest in land, it shall be lawful for that party at any time within six weeks after the making of such Decree or Order, to move the Court of Judicature of Prince of Wales' Island, Singapore and Malacca, to quash such Decree or Order, which Court shall try the question whether such Decree or Order be, or be not inconsistent with any legal right of the party moving, and if the said Court shall decide that such Decree or Order is inconsistent with any such legal right, the Decree or Order of the Commissioner shall be quashed by the said Court, and shall be of no effect.

XIII. And it is hereby enacted, that the said Court of Judicature shall not decide whether a Decree or Order of any such Commissioner shall or shall not be quashed, except when the Recorder is sitting in the said Court, if there be at that time a Recorder.

XIV. And it is hereby enacted, that no Decree or Order of any such Commissioner shall be executed until six weeks shall have elapsed from the date of such Decree or Order. And it is further hereby enacted, that if any application shall be made to the said Court of Judicature as provided for in Section XII. of this Act, in that case the Decree or Order with respect to which such application is made, shall not be executed until such application shall be finally disposed of by the said Court.

XV. And it is hereby enacted, that if no such application to the Recorder's Court as aforesaid, shall be made within the period fixed in Section XII. of this Act, the said Commissioner shall proceed to execute the Order or Decree passed by him in the same manner as the Decrees of the Recorder's Court are executed; and all Sheriffs, Magistrates, Constables, and other public Officers, are hereby enjoined and required to be aiding and assisting in the execution of the same.

XVI. And it is hereby enacted, that every Commissioner appointed under this Act, shall be guided in the performance of the duties confided to him under the provisions of this Act, by such instructions as he shall from time to time receive from the Governor of Bengal.

ACT No. XI. OF 1837.

Passed by the Right Hon'ble the Governor General of India in Council, on the 29th May 1837.

IT is hereby enacted, that Articles 1 and 2 of Regulation I. of 1820, of the Bombay Code, be repealed.

ACT No. XII. OF 1837.

Passed by the Right Hon'ble the Governor General of India in Council, on the 5th June 1837.

1. IT is hereby enacted, that every house and outhouse built within the City of Calcutta, after the 1st day of November 1837, shall be covered with an outer roof of incombustible materials, and that, if any house or outhouse be built in contravention of this provision, the owner of such house or outhouse shall, on conviction before a Magistrate, be punished with fine not exceeding 100 Rupees.

II. And it is hereby enacted, that it shall be lawful for the Superintendant of the Police of the said City, from the date of the passing of this Act, to tender to the owner of any house or outhouse within the said City, which house or outhouse may have been built before the said 1st day of November 1837, and which may not be covered with an outer roof of incombustible materials, a sum of money to defray the expense of covering such house or outhouse with such an outer roof, and that if the owner of such house or outhouse shall accept the sum so tendered, and shall engage that such house or outhouse shall be covered with such an outer roof within a certain time, and shall not within that time cause such house or outhouse to be covered with such an outer roof, such owner shall, on conviction before a Magistrate, be punished with a fine not exceeding ten times the sum so accepted by such owner.

III. And it is hereby enacted, that if any house or outhouse shall be built in contravention of the provision contained in Section I. of this Act, or if any owner of a house or outhouse shall refuse to accept a sum of money tendered by the said Superintendant in the manner described in Section II. of this Act, it shall be lawful for the said Superintendant to cause such house or outhouse to be covered with an outer roof of incombustible materials without the consent of the owner thereof, and to cause such alterations to be made in the walls of such house or outhouse, as may enable such walls to support such outer roof, and to defray the expense out of any funds which may be put at the disposal of the said Superintendant for that purpose either by the Government or by any private person, or body of private persons.

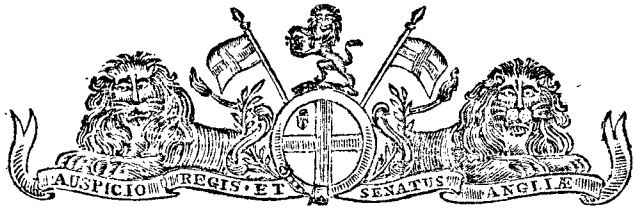
IV. And it is hereby enacted, that whoever shall wilfully obstruct the said Superintendant, or any person acting under the authority of the said Superintendant, in the exercise of the powers given to the said Superintendant by Section III, of this Act, shall, on conviction before a Magistrate, be punished with a fine not exceeding 100 Rupees, in excess of any punishment to which the person so obstructing may be liable by reason of any other offence which he may commit in the course of such obstruction.

V. And it is hereby enacted, that all fines levied under the authority of this Act, shall be paid into the General Treasury, and shall be applied to the purpose of defraying expenses incurred in carrying this Act into execution.

ACT No. XIII. OF 1837.

Passed by the Right Hon'ble the Governor General of India in Council, on the 5th June 1837.

IT is hereby enacted, that no trial by Court Martial which may have been held prior to the passing of this Act at any Military Station, within the Territories subject to the Government of the Presidency of Bombay, shall be deemed to have been illegal on the ground that, such Military Station had not been proclaimed in the manner directed by Section IX. Regulation XXII. of 1827, of the Bombay Code.



ACT No. XIV. OF 1837.

Passed by the Right Hon'ble the Governor General of India in Council, on the 12th June 1837.

IT is hereby enacted, that whenever any Foreign State in Asia or Africa shall permit within the dominions of such State, the importation or exportation of Goods in British Vessels on the same terms on which it permits the importation or exportation of Goods in Vessels belonging to the Subjects of such Foreign State, it shall be lawful for the Governor General of India in Council, by an Order in Council, to direct that Goods may be imported into the Territories of the East India Company, or exported thence in Vessels belonging to the Subjects of such Foreign State, on the same terms on which such Goods are imported into the said Territories, or exported thence on British Vessels.

ACT No. XV. OF 1837.

Passed by the Right Hon'ble the Governor General of India in Council, on the 19th June 1837.

1. IT is hereby enacted, that from the 1st day of July 1837, it shall be lawful for the several Magistrates and Joint Magistrates within the Presidency of Fort William in Bengal, to appropriate a portion of the Tax levied under Regulation XXII. 1816 of the Bengal Code, to the purpose of cleansing and repairing the Towns in which that Tax is levied.

II. And it is hereby enacted, in lieu of the maximum rate prescribed by the Sunnud of appointment referred to in Section X, of the above mentioned Regulation, that after the 1st day of July 1837, it shall be competent to the Punchaite appointed by the said Sunnud, to fix the rate of Assessment to be levied from the Proprietor or Principal Occupier of any Shop or Habitation at Two Company's Rupees per mensem.

III. And it is hereby enacted, that no person whatever shall, either by reason of place of birth, or by reason of descent, be exempted from the payment of any Assessment under Regulation XXII. of 1816 of the Bengal Code, or under this Act.

ACT No. XVI. OF 1837.

Passed by the Right Hon'ble the Governor General of India in Council, on the 3rd July 1837.

I. IT is hereby enacted, that from the 15th day of July 1837, Regulation XV. 1817, of the Bengal Code, shall be repealed.

II. And it is hereby enacted, that when the Customs Duties fixed to be levied upon Goods exported by Sea from any port of Bengal or Orissa shall be *ad valorem*, the value of such Goods shall be declared by the Exporter in the manner prescribed by Regulation VI. 1833, of the Bengal Code for Goods imported into Calcutta by Sea, and the provisions of that Regulation for cases of disputed value (excepting Section IV. thereof, which prescribes the levy of duty when the Goods are taken for Government) shall apply to Goods intended to be exported by Sea in like manner as for imported Goods, and the value so to be declared by the Exporter, shall include the packages or materials in which the Goods may be contained.

III. And it is hereby enacted, that it shall be lawful for the Governor of the Presidency of Fort William in Bengal, from time to time, by notice in the Official Gazette, to fix a value for any article liable to *ad valorem* duty, and that the value so fixed by the Governor of the said Presidency shall, till altered by a similar notice, be taken to be the value of such article for the purpose of levying duty on the same.

IV. And it is hereby enacted, that every Master of a Vessel, who shall remove from such Vessel or put on board thereof any Goods, or cause or suffer any Goods to be removed thence, or put on board thereof between sun-set and sun-rise, or on any day when the Custom House is closed for business, without leave in writing obtained from the Collector of Customs, shall be punished with a fine not exceeding 500 Rupees.

V. And it is hereby enacted, that when upon application from the Commander of any Vessel the Custom House Officer shall be removed from on board thereof under the provisions to that effect contained in Section XVI, of the Act XIV. of 1836, if the Commander of such Vessel shall before a Custom House Officer have again been placed in such Vessel, put on board of such Vessel, or cause or suffer to be put on board of such Vessel any Goods whatever, such Commander shall be punished with a fine not exceeding 1,000 Rupees and the Goods shall be liable to be re-landed for examination at the expence of the Shipper or Shippers upon requisition to that effect from the Collector of Customs.

VI. And it is hereby enacted, that the Commander of every Vessel, who is bound to receive a Custom House Officer on board of such Vessel, shall also be bound to receive on board one Servant of such Officer, and to provide such Officer and such Servant with suitable shelter and accommodation, and likewise with a due allowance of fresh water, and with the means of cooking on board, and if any Commander of a Vessel shall wilfully disobey the directions contained in this Section, he shall be punished with fine not exceeding 500 Rupees.

VII. And it is hereby enacted, that no Cargo Boat laden with Goods intended for exportation by Sea, shall make fast to, or lie alongside of, any Vessel unless there shall be on board the Boat, or have been received by the Custom House Officer on board of the Vessel, a Custom House Permit or Order for the shipment of the Goods. And the Goods on board of any Boat that may so lie alongside, or be made fast to a Vessel, if such Goods be not covered by a Custom House Pass accompanying them, or previously received by the Customs Officer on board the said Vessel, shall be liable to confiscation.

VIII. And it is hereby enacted, that when Goods shall be sent from on board ship for the purpose of being landed and passed for importation, there shall be sent with each Boat-load or other separate dispatch, a Boat-note specifying the number of packages and the marks and numbers or other description thereof, and such Boat-note shall be signed by an Officer of the Vessel and likewise by the Customs Officer that may be on board; and if any imported Goods be found in a Boat proceeding to land without a Boat-note, or if being accompanied by a Boat-note, they be found out of the proper track between the Ship and the Custom House Wharf or other Wharf or Ghaut at which they have been permitted to be landed, the Boat containing such Goods may be detained by any Inspector, or by any other Officer of the Preventive Service of the Custom House, duly authorized by the Collector of Customs, and unless the cause of deviation be explained to the satisfaction of the Officers of Customs, the Goods shall be liable to confiscation.

IX. And it is hereby enacted, that when Goods shall be brought to be passed through the Custom House, either for importation or exportation by Sea, if the packages in which the same may be contained shall be found not to correspond with the description of them given in the application for passing them through the Custom House, or if the contents thereof be found not to have been correctly described in regard to sort, quality or quantity, or if any Goods not stated in the application be found concealed in or mixed up with the specified articles, all such packages with the whole of the Goods contained therein, shall be liable to confiscation.

X. And it is hereby enacted, that if any person after Goods have been landed and before they have been passed through the Custom House, removes or attempts to remove them with the intention of defrauding the Revenue, the Goods shall be liable to confiscation.

XI. And it is hereby enacted, in modification of the Article of Schedule B. of Act No, XIV. of 1836, which provides that when Sugar or Rum shall be exported on British bottoms to any British Possession no duty shall be levied thereupon, and if on Foreign bottoms, a duty of 3 per cent. only shall be levied, that the said exemption from duty and advantage of rate shall not hold or apply to the case of Sugar exported to any British Possession or Settlement on the Continent of India (including the Port of Bombay), but duties shall be levied on such exports in the same manner as upon Sugar and Rum exported to other places, and the amount of duties so levied shall be credited, in the adjustment of any import duty to which the Sugar so exported from Bengal may be subject, at any place of import within the possessions of the East India Company.

XII. And it is hereby enacted, in modification of Section XVIII. of the Act XIV. of 1836, that when Goods shall be shipped after Port Clearance, if the same be imported Goods entitled to Drawback, such Drawback shall be forfeited, but no separate duty shall be levied thereon.

XIII. And it is hereby enacted, in modification of Section XV. of Act XIV. of 1836, that if Goods landed at the Custom House be not claimed and cleared from the Custom House within three months from the date of entry of the Ship in which such Goods were imported, it shall be competent to the Collector to sell the Goods on account of the Duties, Freight and other charges incurred and due thereon.

XIV. And it is hereby enacted, that no payment shall be made of Drawback upon any Goods exported from any Port of Bengal or Orissa, unless the export be made within two years from the date of the import in the Custom House Registers, nor unless the claim to receive such Drawback be made at the time of exportation, nor unless the amount due thereupon be demanded within one year from the date of entry for shipment in the Custom House Registers.

XV. And it is hereby enacted, that Drawback shall not be allowed upon Goods shipped in Dhonies and Native Craft not navigated by Pilots and not having Custom House Officers on board.

XVII. And it is hereby enacted, in modification of Section LI. Regulation IX. of 1810, that the Board of Customs, Salt and Opium, shall have power to fix, and from time to time, to alter the rates of Wharfage and Godown Rent charges, and to determine the time for which Goods shall be allowed to remain on the Wharfs or in the Godowns of the Custom House, free of charge, while the Goods are being passed for import or export by Sea.

XVII. And it is hereby enacted, that it shall be lawful for the Collector of Customs whenever he shall see fit to require that Goods brought by Sea and stowed in bulk, shall be weighed on board ship before being sent to land, and to levy duty according to the result of such weighing.

XVIII. And it is hereby enacted, that whoever shall intentionally offer any obstruction to the weighing directed by the preceding Section, shall be punished with a fine not exceeding 500 Rupees.

ACT No. XVII. OF 1837.

Passed by the Right Hon'ble the Governor General of India in Council, on the 24th July 1837.

I. IT is hereby enacted, that Regulation XI of 1830 of the Bombay Code, shall be repealed.

II. And it is hereby enacted, that the exclusive right of conveying letters by post for hire from place to place within the Territories of the East India Company, shall be in the Governor General of India in Council.

III. Provided always, that it shall be competent to the said Governor General of India in Council and to any authority thereunto empowered by the said Governor General in Council, to grant to any person or persons a license permitting such person or persons to convey letters by post for hire from place to place within the said Territories, and that it shall be lawful for any person or persons having such a license to convey letters in conformity with the terms of such license.

IV. And it is hereby enacted, that it shall be lawful for the said Governor General in Council, and for any authority which may have granted any such licence as is described in the preceding Section, to revoke such licence at pleasure.

V. And it is hereby enacted, that whoever otherwise than under the authority of the said Governor General in Council, or in conformity with the terms of such a license as is aforesaid, knowingly conveys any letter by post for hire from place to place within the said Territories, or receives any letter or packet of letters, in order to such conveyance, or delivers any letter according to its direction knowing the same to have been so conveyed, or is accessary to such conveyance, receipt or delivery, shall be punished with fine not exceeding Fifty ~~Rs~~ for every letter so conveyed, received or delivered.

VI. And it is hereby enacted, that inland postage duties shall be levied on the conveyance of letters and packets by the Government Post at the rates set forth in the Schedule marked A, which is annexed to this Act, and that the full postage shall be paid either on receipt or on delivery, at the option of the sender, and that, if the thing conveyed be transferred from a Post Office in one Presidency to a Post Office in another Presidency, no additional charge shall be made on account of such transfer.

VII. And it is hereby enacted, that when there is a banghy established on a line of road, no person shall be entitled to demand that any letter or packet exceeding 12 tolas in weight shall be conveyed by the letter post on that line of road.

VIII. And it is hereby enacted, that when there is no banghy established on a line of road, letters and packets exceeding 12 tolas in weight, and not exceeding 40 tolas in weight, shall be conveyed on that line of road by the letter post, and every such letter or packet shall be charged with the postage of a letter or packet of the same description of 12 tolas weight sent by letter post.

IX. And it is hereby enacted, that no packet of the description mentioned in Table 2 of Schedule A, shall contain any writing whatever, other than writing which is necessarily part of the documents which such packet is stated to contain, by attestation on the cover of such packet, and that whoever shall send any such packet by the Government Post, knowing that it contains any writing not necessarily part of the documents which such packet is stated to contain by attestation on the cover, shall be punished with a fine of Fifty Rupees.

X. And it is hereby enacted, that no packet of the description mentioned in Table 3 of Schedule A, shall contain any writing whatever, except the direction on the cover, and that whoever shall send any such packet by the Government Post, knowing that it contains any writing other than the direction on the cover, shall be punished with a fine of Fifty Rupees.

XI. And it is hereby enacted, that proof sheets marked as such, may be sent by letter post at the rates set forth in Table 3 of Schedule A, provided they be brought to the Dispatching Office open, and be sealed in presence of the person in charge of such Office.

XII. And it is hereby enacted, that the said Governor General in Council shall frame a scale of distances as nearly as practicable, according to the distance by the nearest road between Post Office Stations, and that the rates of inland postage shall be calculated according to this scale.

XIII. And it is hereby enacted, that Steam Postage, according to such rates as may from time to time be fixed by the Governor General in Council, shall be levied on all letters and packets sent or received by any Government Steamer, and that such Steam Postage shall be in excess of any inland postage to which such letters or packets may be liable.

XIV. And it is hereby enacted, that Ship Postage according to the rates fixed in Schedule B, annexed to this Act, shall be levied on all letters or packets sent or received by sea through any Government Post Office, and not liable to Steam Postage.

XV. And it is hereby enacted, that when any Vessel arrives by sea at any place within the said Territories, at which there is a Government Post Office, the Commander of such Vessel shall, as speedily as possible, cause every letter and packet on board of such Vessel which is directed to that place, and which was not specially entrusted for separate delivery, to be delivered either at the Post Office or to some Officer of the Post Office authorized to receive the same; and that if there be on board any letter or packet directed to any other place, and not specially entrusted for separate delivery, the said Commander shall, as speedily as possible, report the same to the Post Master General, or Post Master of the place at which he has arrived, and shall act according to such directions as he may receive from such Post Master General or Post Master; and that the receipt of such Post Master General, or Post Master shall discharge such Commander of all responsibility in respect of such letter or packet.

XVI. And it is hereby enacted, that every Commander of a Vessel who shall wilfully disobey any of the directions contained in the preceding Section shall be punished with fine not exceeding 1,000 Rupees.

XVII. And it is hereby enacted, that for every letter or packet delivered by a Commander of a Ship, in conformity with the directions of Section XV. of this Act, the Officer in charge of the Post Office shall pay to the said Commander the sum of One Anna.

XVIII. And it is hereby enacted, that whenever any letter or packet is transhipped for transmission to any other place within the said Territories, the Commander of the Vessel, which originally brought such letter or packet shall be entitled to receive One Anna for every such letter or packet, and that the Commander of the Vessel into which the letter or packet is transhipped, shall be entitled to receive Half an Anna from the person in charge of the Post Office at the place of delivery, provided that the said last mentioned Commander delivers the same in conformity with the directions contained in Section XV. of this Act.

XIX. Provided always, that no payment shall be made to the Commander of any Vessel on account of the delivery of any letter or packet, unless the claim of such Commander shall be preferred before the Vessel leaves the place at which the letter or packet was delivered, or before the expiration of three months from the date of the arrival of the packet at the place of ultimate delivery.

XX. And it is hereby enacted, that the Commander of every Vessel leaving any place in the said Territories by sea, shall receive on board of such his Vessel every letter and packet which he shall be required to receive by any Officer of the Post Office, and shall sign a receipt for such letters and packets; and that every Commander of a Vessel who shall wilfully disobey any direction of this Clause shall be punished with a fine not exceeding 1,000 Rupees.

XXI. And it is hereby enacted, that whenever any letter or packet, the postage of which has not been paid, shall be delivered by any person employed by the Post Office, the person to whom it is delivered shall not be bound to pay the postage if he returns the letter or packet unopened, but if he opens the same he shall be bound to pay the postage due thereon; provided always, that if the letter or packet shall appear to have been maliciously sent for the purpose of annoying the person to whom it is directed, the Post Master General, or Post Master of the Office, from which the delivery took place, shall remit the said Postage.

XXII. And it is hereby enacted, that every letter or packet which is rejected unopened by the person to whom it is directed shall be returned by post to the sender, and that the said sender shall be bound to pay the return postage thereon unless direct postage has already been paid thereon.

XXIII. And it is hereby enacted, that whenever any letter or packet, the sender of which is unknown, shall be rejected unopened by the person to whom it is directed, such letter or packet shall be opened by the Officer in charge of the Post Office from which such letter or packet was delivered to that person.

XXIV. And it is hereby enacted, that if any person shall refuse to pay any postage which he is legally bound to pay for any letter or packet, it shall be lawful for the Officer in charge of the Post Office, from which such letter or packet was delivered, to withhold from the person so refusing till such postage be paid, any letter directed to that person upon which postage has not been paid by the sender.

XXV. And it is hereby enacted, that all letters and packets which have remained three months unclaimed at any Post Office shall be transmitted to the General Post Office of the Presidency.

XXVI. And it is hereby enacted, that at intervals not exceeding three months, lists of all unclaimed letters and packets which are in the General Post Office of any Presidency shall be published in the Official Gazette of that Presidency.

XXVII. And it is hereby enacted, that every letter and packet which may have remained eighteen months unclaimed in the General Post Office of any Presidency, shall be opened by the Post Master General of that Presidency, and that all valuable property which such letter or packet may contain shall be paid into the Government Treasury for the benefit of any party who may have a right thereto, and that when twelve months shall have elapsed after the opening of such unclaimed letter or packet, it shall be lawful for the said Post Master General, if such letter or packet still continues to be unclaimed, to destroy the same.

XXVIII. And it is hereby enacted, that the privilege of sending and receiving all letters and packets by letter post, free of postage, and of sending and receiving letters and packets by banghy on the public service free of postage, shall be allowed to the persons hereinafter mentioned, viz.

His Majesty's Principal Secretaries of State.
President and Secretaries of the Board of Control.
The Chairman, Deputy Chairman and Directors of the East India Company.
Secretary, Deputy Secretary and Assistant Secretary at the India House.
The Governor General.
The Governors of Bengal, Madras and Bombay.
The Governor of Ceylon.
The Lieutenant Governor of the North Western Provinces.
The Chief Justices of Bengal, Madras and Bombay.
The Bishops of Calcutta, Madras and Bombay.
The Members of the Supreme Council.
The Members of Council of Madras and Bombay.
The Puisne Judges of the Supreme Courts of Bengal, Madras and Bombay.
The Recorder of Prince of Wales' Island, Singapore and Malacca.
The Commander in Chief of His Majesty's Naval Forces.
The Commander in Chief of the Army in India.
The Commanders in Chief of the Armies at Madras and Bombay.

And that the letters and packets sent by any of the persons aforesaid, shall be franked in such manner as may be directed by the Governor General of India in Council.

XXIX. And it is hereby enacted, that it shall be competent to the said Governor General of India in Council, by an order in Council, to grant to any person or body of persons, the privilege of sending or receiving letters or packets either by letter post or banghy, free of postage, on such conditions and under such rules as the said Governor General in Council may direct.

XXX. And it is hereby enacted, that if any Post Master General or Post Master shall suspect that any letter or packet lying for delivery at his Post Office contains any contraband article, or any article on which duty is owing to Government, or that any letter or packet lying for delivery at that Post Office contains any writing in contravention of the provisions of Sections IX. and X. of this Act, it shall be lawful for such Officer to summon the person to whom the letter or packet is directed, to attend at that Post Office by himself or Agent, within forty-eight hours after the arrival of the letter or packet at that Post Office, and to open the letter or packet in the presence of the person to whom the letter or packet is directed, or of that person's agent; and if that person shall not so attend by himself or agent, then to open the letter or packet in the absence of that person.

XXXI. And it is hereby enacted, that the Government shall not be responsible for any loss or damage which may occur in respect of any thing entrusted to the Post Office for conveyance, and that no person employed by the Government in the Post Office Department shall be responsible for any such loss or damage, unless that person had caused such loss or damage maliciously or fraudulently.

XXXII. And it is hereby enacted, that all fines incurred under any of the preceding provisions of this Act, may be levied on conviction before any Magistrate or Justice of the Peace, or before any person exercising the powers of a Magistrate; provided always, that no person not a Post Master General, or Post Master, shall be competent to institute any prosecution for any violation of any of the preceding provisions of this Act.

XXXIII. And it is hereby enacted, that whoever being in the employ of the Government in the Post Office Department, or being in the employ of any person or persons who may contract with the Government to convey letters or packets by post for hire, shall fraudulently appropriate any letter or packet which may have been entrusted to him, or any thing contained in any such letter or packet, or shall open any such letter or packet, or any banghy box with the intention of fraudulently appropriating any thing therein contained, shall be punished with imprisonment, with or without hard labor, for a term not exceeding seven years, and shall also be liable to fine.

XXXIV. And it is hereby enacted, that whoever being in such employ as is described in the last Section, and being entrusted to receive money for postage duty, shall fraudulently appropriate the same, shall be punished, on conviction before a Magistrate, with imprisonment with or without hard labor, for a term not exceeding two years, and shall also be liable to fine.

XXXV. And it is hereby enacted, that whoever being in such employ as is described in Section XXXIII shall fraudulently put any wrong mark on any letter or packet, or shall fraudulently alter or cause to disappear any mark which is on any letter or packet, shall be punished, on conviction before a Magistrate, with imprisonment with or without hard labor, for a term not exceeding two years, and shall also be liable to fine.

XXXVI. And it is hereby enacted, that whoever being in such employ as is described in Section XXXIII and being entrusted with the preparing or keeping of any document, shall, with a fraudulent intention, prepare that document incorrectly, or alter that document, or secrete or destroy that document, shall be punished, on conviction before a Magistrate, with imprisonment with or without hard labor, for a term not exceeding two years, and shall also be liable to fine.

XXXVII. And it is hereby enacted, that whoever being in such employ as is described in Section XXXIII, puts any letter or packet into the Wallets of the Post Office, intending thereby to defraud the Government of the postage duty on such letter or packet, shall be punished, on conviction before a Magistrate, with imprisonment with or without hard labor, for a term not exceeding two years, and shall also be liable to fine.

XXXVIII. And it is hereby declared, that the tola weight mentioned in this Act, is the tola of 180 grains troy, being the standard weight of the Company s Rupee.

XXXIX. And it is hereby enacted, that this Act, shall have effect from the 1st day of October, 1837, and that no postage duty shall be levied under the authority of this Act on any letter which shall be received at any Post Office before the said 1st of October 1837.

Schedule A of Postage Duties on Letters, Parcels, Newspapers, &c. and of Banghy Postage.

1.

LETTERS.

Miles.	Single.	Double.	
	Not exceeding One Tola.	Exceeding One Tola and not exceeding Two Tolas.	
	Annas.	*Rupees.*	*Annas.*
20	1	0	2
50	2	0	4
100	3	0	6
150	4	0	8
200	5	0	10
250	6	0	12
300	7	0	14
400	8	1	0
500	9	1	2
600	10	1	4
700	11	1	6
800	12	1	8
900	13	1	10
1,000	14	1	12
1,200	15	1	14
1,400	1 Rupee	2	0

And upwards—Single Postage being added for each additional Tola.

ACT No. XVII. OF 1837.

2.

Law Papers, Accounts and Vouchers attested as such with the full signature of the Sender.

Miles.	Single.	Double.	
	Not exceeding 3½ Tolas.	Exceeding 3½ Tolas and not exceeding 6 Tolas.	
	Annas.	*Rupees.*	*Annas.*
20	1	0	2
50	2	0	4
100	3	0	6
150	4	0	8
200	5	0	10
250	6	0	12
300	7	0	14
400	8	1	0
500	9	1	2
600	10	1	4
700	11	1	6
800	12	1	8
900	13	1	10
1,000	14	1	12
1,200	15	1	14
1,400	1 Rupee	2	0

And upwards—Single Postage being added for every 3 additional Tolas.

3.

Newspapers, Pamphlets and other printed or engraved Papers, packed in short covers, open at each end.

Distance.	Newspapers, Pamphlets, &c., printed in India. Weight.			Imported Newspapers, Pamphlets, &c. Weight.	
	Not exceeding 3½ Tolas.	Exceeding 3½ Tolas & not exceeding 6 Tolas.	Exceeding 6 Tolas and not exceeding 9 Tolas.	Not exceeding 6 Tolas.	Exceeding 6 Tolas and not exceeding 12 Tolas.
	Annas.	Annas	Annas.	Annas.	Annas.
Not exceeding 20 miles, ...	1	2	3	1	2
„ „ 400 miles, ...	2	4	6	2	4
Above 400 miles, ...	3	6	9	3	6
	Single Postage being added for every additional 3 Tolas.			Single Postage being added for every additional 6 Tolas.	

4.

Parcels sent by the Public Banghy not exceeding 600 Tolas in weight, nor 15 Inches long by 12 deep and 12 broad, or 2160 Cubic Inches in size.

Distance.	Weight.																							
Not exceeding Miles.	Not exceeding Tolas.																							
	50		100		150		200		250		300		350		400		450		500		550		600	
	Rs.	As.	Rs.	As	Rs.	As.	Rs.	As.	Rs.	As.	Rs.	As.	Rs.	As.	Rs.	As.	Rs.	As.	Rs.	As.	Rs.	As.	Rs.	As.
50	0	6	0	12	1	2	1	8	1	14	2	4	2	10	3	0	3	6	3	12	4	2	4	8
100	0	9	1	2	1	11	2	4	2	13	3	6	3	15	4	8	5	1	5	10	6	3	6	12
150	0	12	1	8	2	4	3	0	3	12	4	8	5	4	6	0	6	12	7	8	8	4	9	0
200	0	15	1	14	2	13	3	12	4	11	5	10	6	9	7	8	8	7	9	6	10	5	11	4
250	1	2	2	4	3	6	4	8	5	10	6	12	7	14	9	0	10	2	11	4	12	6	13	8
300	1	5	2	10	3	15	5	4	6	9	7	14	9	3	10	8	11	13	13	2	14	7	15	12
400	1	8	3	0	4	8	6	0	7	8	9	0	10	8	12	0	13	8	15	0	16	8	18	0
500	1	11	3	6	5	1	6	12	8	7	10	2	11	13	13	8	15	3	16	14	18	9	20	4
600	1	14	3	12	5	10	7	8	9	6	11	4	13	2	15	0	16	14	18	12	20	10	22	8
700	2	1	4	2	6	3	8	4	10	5	12	6	14	7	16	8	18	9	20	10	22	11	24	12
800	2	4	4	8	6	12	9	0	11	4	13	8	15	12	18	0	20	4	22	8	24	12	27	0
900	2	7	4	14	7	5	9	12	12	3	14	10	17	1	19	8	21	15	24	6	26	13	29	4
1,000	2	10	5	4	7	14	10	8	13	2	15	12	18	6	21	0	23	10	26	4	28	14	31	8
1,200	2	13	5	10	8	7	11	4	14	1	16	14	19	11	22	8	25	5	28	2	30	15	33	12
1,400 and upwards.	3	0	6	0	9	0	12	0	15	0	18	0	21	0	24	0	27	0	30	0	33	0	36	0

ACT No. XVII. OF 1837.

5.

Books, Pamphlets, Packets of Newspapers and any written, printed or engraved Papers sent by the Public Banghy, not exceeding 40 Tolas in Weight and packed in short covers, open at each end.

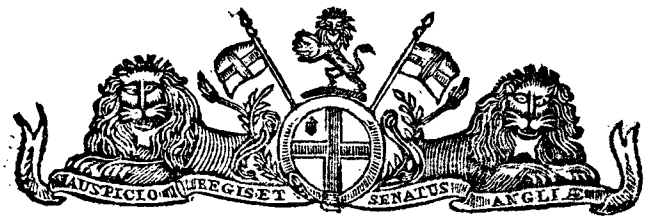
Not exceeding Miles.	Not exceeding 20 Tolas.	Exceeding 20 Tolas and not exceeding 40 Tolas.	
	Annas.	*Rupees.*	*Annas.*
100	2	0	4
200	3	0	6
300	4	0	8
400	5	0	10
500	6	0	12
600	7	0	14
700	8	1	0
800	9	1	2
900	10	1	4
1,000	11	1	6
1,100	12	1	8
1,200	13	1	10
1,300	14	1	12
1,400	15	1	14
Upwards.	1 Rupee.	2	0

B.

Ship Postage to be levied in addition to Land Postage on letters received or sent by Sea.

Letters.		Newspapers, Pamphlets and other printed Papers packed in short covers, open at each end.	Parcels not exceeding 300 Tolas Weight.
Outward.	Inward.		
Not exceeding 3 Tolas.	Not exceeding 3 Tolas.	Not exceeding 6 Tolas Weight.	Not exceeding 100 Tolas Weight.
Annas.	*Annas.*	*Annas.*	*Annas.*
2	3	1	2
An Anna being added for every additional Tola.		An Anna being added for every additional 6 Tolas Weight.	Two Annas being added for every additional 100 Tolas up to 300 Tolas beyond which no Parcel will be received.

1838/39
Acc. Inw. No. 424



ACT No. XVIII. OF 1837.

Passed by the Right Hon'ble the Governor General of India in Council,

on the 7th August 1837.

IT is hereby enacted, that any person charged with murder by Thuggee, or with the offence of having belonged to a gang of Thugs, made punishable by Act No. XXX. of 1836, may be committed by any Magistrate or Joint Magistrate, within the Territories of the East India Company, for trial before any Criminal Court, competent to try such person on such charge.

ACT No. XIX. OF 1837.

Passed by the Right Hon'ble the Governor General of India in Council,

on the 7th August 1837.

IT is hereby enacted, that no person shall, by reason of any conviction for any offence whatever, be incompetent to be a Witness in any stage of any Cause, Civil or Criminal, before any Court, in the Territories of the East India Company.

ACT No. XX. OF 1837.

Passed by the Right Hon'ble the Governor General of India in Council,

on the 11th September 1837.

IT is hereby enacted, that from the first day of October, 1837, all immoveable Property situate within the jurisdiction of the Court of Judicature of Prince of Wales' Island, Singapore and Malacca, shall, as far as regards the transmission of such property on the death and intestacy of any person having a beneficial interest in the same, or by the last Will of any such person, be taken to be, and to have been of the nature of Chattels real and not of freehold.

II. Provided always, that in any suit at law or in equity which shall be brought for the recovery of such immoveable Property as is aforesaid, no advantage shall be taken of any defect of title arising out of the transmission of such property upon the death and intestacy of any person having a beneficial interest in the same, or by the last Will of any such person, if such transmission took place before the said first day of October, and if such transmission were according to the Rules which regulate the transmission of freehold property, or were according to the law of the nation to which the deceased person belonged, or took place with the acquiescence of all those to whom any interest in that property would, according to the Rules which regulate the transmission of Chattels real, have accrued upon the death of that person.

III. Provided also, that in all cases where such immoveable Property derived from a deceased person, shall have been before the said first day of October, conveyed for a valuable consideration by any person who would be entitled to convey the same according to the Rules which regulate the transmission of freehold Property, or according to the law of the nation to which the deceased person belonged, the person who so conveyed shall be entitled to retain to his own use the consideration received for such conveyance.

ACT No. XXI OF 1837.

Passed by the Right Hon'ble the Governor General of India in Council,

on the 25th September 1837.

I. IT is hereby enacted, that from the first day of October 1837, it shall be lawful for the Governor in Council of any Presidency of which there is a Council, and for the Governor of any Presidency of which there is no Council, to dispense with any Oath which by any Regulation of that Presidency or by any Act of the Governor General of India in Council is now required to be taken, and that it shall be lawful for the Lieutenant Governor of the N. W. Provinces to dispense with any Oath which by any Regulation or any Act of the Governor General of India in Council now in force within those Provinces is now required to be taken.

II. Provided always, that the dispensing power given by this Act shall not extend to any Oath now required by Law to be taken in any stage of any Judicial proceeding.

III. And it is hereby enacted, that whenever any Oath is dispensed with under the authority given by his Act, the person who but for such dispensation would have been legally required to take such Oath shall, in the presence of the functionary by whom, but for such dispensation such Oath would have been administered, make and subscribe a Declaration in writing to the same effect with such Oath.

IV. And it is hereby enacted, that whoever shall, in any Declaration made and subscribed according to the Provisions of this Act, knowingly state any untruth such that if that untruth had been stated on Oath, the person stating it would have been guilty of perjury, shall be punished with imprisonment for a term not exceeding one year, or fine, or both.

ACT No. XXII. OF 1837.

Passed by the Right Hon'ble the Governor General of India in Council,

on the 25th September 1837.

I. IT is hereby enacted, that from the first day of November 1837, neither the Criminal Judge nor the Magistrate of the Zillah of Chingleput, shall have any jurisdiction in respect of offences committed within the Collectorate of Madras against any Regulation relating to the public revenue.

II. And it is hereby enacted, that the whole jurisdiction now belonging to the said Criminal Judge, and also the whole jurisdiction now belonging to the said Magistrate in respect of such offences, shall, from the first day of November 1837, belong to the Superintendent of Police of the Town of Madras, and to every one of the Deputies of the said Superintendent, and shall be exercised by the said Superintendent and by every one of the said Deputies, according to the rules by which the said Criminal Judge and the said Magistrate are now bound to exercise the same.

III. Provided always, that in the exercise of this jurisdiction the said Superintendent of Police and the said Deputies shall not be subject to the orders of the Court of Circuit for the Centre Division of the Madras Territories, nor be bound by any rule in the Madras Code of Regulations to furnish any Calendar, List, or Report to that Court, but shall be immediately subject to the orders of the Court of Foujdarry Adawlut, and shall furnish to the Court of Foujdarry Adawlut, such Lists or Calendars of charges preferred before them, or of persons sentenced to punishment by them, as the said Court of Foujdarry Adawlut may direct.

IV. Provided also, that it shall be lawful for the said Superintendent and every one of the said Deputies in cases in which the said Criminal Judge or the said Magistrate would now be empowered to commit any person to the Jail of Chingleput, to commit such person to any Jail within the Collectorate of Madras.

V. Provided also, that the Provisions of Clause 5th, of Section VIII. of Regulation XV. of 1803 of the Madras Code, shall be applicable to all Convicts on whom sentence of imprisonment shall have been passed by the said Superintendent of Police, or by any of the said Deputies in the exercise of the jurisdiction transferred to them by this Act.

ACT No. XXIII. OF 1837.

Passed by the Right Hon'ble the Governor General of India in Council, on the 2nd October 1837.

IT is hereby enacted, that it shall be competent to the Governor in Council of Fort St. George, by an order in Council, to invest Principal Sudder Ameens, at Stations where Jail Deliveries are held, with the same powers of commitment in cases of Perjury as are exercised by the Criminal Judges, under Section III. Regulation VIII. of 1829 of the Madras Code.

ACT No. XXIV. OF 1837.

Passed by the Right Hon'ble the Governor General of India in Council, on the 2nd October 1837.

I. IT is hereby enacted, that it shall be lawful for the Governor of the Presidency of Fort William in Bengal, to appoint a Superintendent of Police for the Territories under his Government, or for any part thereof, and for the Lieutenant Governor of the N. W. Provinces, to appoint a Superintendent of Police for those Provinces, or for any part thereof.

II. And it is hereby enacted, that whenever a Superintendent of Police shall be appointed under this Act, such parts of Section 7, Regulation I. 1829 of the Bengal Code, as vest the Commissioner of Revenue and Circuit with the duties and powers belonging to the Superintendent of Police, shall cease to have effect in the Territories which may be comprised within the jurisdiction of such Superintendent,—and such Superintendent shall be guided in the execution of the duties of his Office by the Rules contained in Regulation X. 1808, and other Regulations of the Bengal Code, subsequently enacted, in regard to the said Office, in so far as they may not be modified or repealed by this Act.

III. And it is hereby enacted, that whenever such a Superintendent of Police as aforesaid shall be appointed for any jurisdiction, Section 3. Regulation IX. 1831 of the Bengal Code, shall cease to have effect within that jurisdiction.

IV. And it is hereby enacted, that the Superintendent of Police appointed under this Act, shall exercise all the powers that may be now legally exercised by the Commissioners of Circuit, in virtue of the authority vested in them by Section 3, Regulation I. 1829 of the Bengal Code, in regard to the appointment, suspension, and removal of any Ministerial or Police Officer, subordinate to any Zillah or City Magistrate, or Joint Magistrate.

V. And it is hereby enacted, that whenever the whole administration of Criminal Justice shall, under the provisions of Act No. VII. of 1835, be vested in any Session Judge, such Session Judge shall receive and try any appeal made to him from any order of any Zillah or City Magistrate, or Joint Magistrate, whether such order may have been passed in a Criminal trial or in any Judicial proceeding whatever—provided, that it shall not be competent to such Session Judge to interfere with any order passed by a Zillah or City Magistrate, or Joint Magistrate, regarding the appointment, suspension, or removal of any Ministerial or Police Officer, the revision of which has, by Section IV. of this Act, been entrusted to the Superintendent of Police.

VI. And it is hereby enacted, that the decision of a Session Judge in Appeal from the order of a Zillah or City Magistrate, or Joint Magistrate, in any Judicial proceeding other than a Criminal trial; and also the orders of the Superintendents of Police in regard to the appointment, suspension, or removal of a Ministerial or Police Officer of a Zillah or City Magistrate, or Joint Magistrate, passed under the provisions of Sections IV. and V. of this Act, respectively, shall not be open to revision by the Nizamut Adawlut.

VII. And it is hereby enacted, that whenever the whole administration of Criminal Justice shall, under the provisions of Act No. VII. 1835, and Section V. of this Act, be vested in any Session Judge, such Session Judge shall possess the same control and superintendence over every Jail under the management of any Zillah or City Magistrate, or Joint Magistrate, subject to his Jurisdiction, and over the Officers of every such Jail as may have been exercised by the Commissioners of Circuit under the provisions of Section 3, Regulation 1. 1829, or of any Regulation, Act, or Circular Order of the Nizamut Adawlut, which may have been passed or issued since the promulgation of the said Regulation.

VIII. And it is hereby enacted, that this Act shall come into operation on the 1st of January 1838, except so much thereof as authorizes the appointment of Superintendents of Police, which shall come into operation from the day of the passing of this Act.

1838/39

Acc. Inw.d No. 424

ACT NO. XXV. OF 1837.

Passed by the Right Hon'ble the Governor General of India in Council, on the 2nd October 1837.

I. IT is hereby enacted, in modification of Section XVIII. Regulation V. 1831 of the Bengal Code, that from the First day of November 1837, no Zillah or City Judge within the Territories subject to the Presidency of Fort William in Bengal, shall be precluded by reason of the amount or value of the property for the recovery of which a Suit is instituted, from referring that Suit to any Principal Sudder Ameen.

II. And it is hereby enacted, that so much of Clause Second, Section XXXI. Regulation VII. 1822, and Section XIX. Regulation VIII. 1831 of the Bengal Code, as provides that Suits of the description therein referred to, shall not be cognizable by, or referrible to any Sudder Ameen or Moonsiff, be repealed.

III. And it is hereby enacted, that it shall be competent to every Zillah or City Judge within the said Territories to refer for trial and decision, any Original Suit preferred under the Provisions of Clause First, Section XXX. Regulation II. 1819 of the Bengal Code, to any Principal Sudder Ameen, any thing in the existing Regulations to the contrary notwithstanding.

IV. And it is hereby enacted, that in all Suits exceeding the amount or value specified in Clause First, Section XVIII. Regulation V. 1831, which shall, under the authority of Section I. of this Act, be referred to a Principal Sudder Ameen, the Appeal from the decision of such Principal Sudder Ameen shall be direct to the Court of Sudder Dewanny Adawlut, and shall be conducted in all respects according to the same rules as if it were an Appeal from the decision of a Zillah Judge to the said Court of Sudder Dewanny Adawlut, and any application for a review of Judgment on such decision shall be made by the said Principal Sudder Ameen directly to the said Court of Sudder Dewanny Adawlut, and shall be conducted in all respects as if it were an application for a review of a decision of a Zillah Judge.

V. And it is hereby enacted, that whenever a Zillah or City Judge within the said Territories in the exercise of the discretion vested in him by Section VII. Regulation V. 1831 of the Bengal Code, shall refer for trial to a Sudder Ameen or Principal Sudder Ameen, a Suit within the competency of a Moonsiff to decide, such Suit shall be subject to the same rules in regard to Stamp Duties, and to the same rules in regard to Appeal as the said Suit would have been subjected to, had it been received and tried by the Moonsiff in the first instance.

VI. Provided always, that when any such Suit shall have been decided by a Principal Sudder Ameen, the Appeal from such decision shall lie to the Zillah or City Judge, and shall be tried by him only, and that the decision of the Zillah or City Judge on such Appeal, shall be final, any thing in the existing Regulations to the contrary notwithstanding.

VII. And it is hereby enacted, that whenever a Zillah or City Judge within the said Territories shall refer for trial to a Principal Sudder Ameen a Suit within the competency of a Sudder Ameen to decide, such Suit shall be subject to the same rules in regard to Stamp Duties, and to the same rules in regard to Appeal, as the said Suit would have been subjected to, had it been referred to and tried by the Sudder Ameen in the first instance.

VIII. And it is hereby enacted, that it shall be competent to either of the Courts of Sudder Dewanny Adawlut within the Territories, subject to the Presidency of Fort William in Bengal, by an Order under the signature of the Register of such Court, to authorize the Judge of any Zillah or City Court, subordinate to such Court of Sudder Dewanny Adawlut, to transfer to a Principal Sudder Ameen any Civil proceedings, whether miscellaneous or summary, which may be depending at the time when such Order is issued or be thereafter instituted in the Court of the said Zillah or City Judge, and all proceedings so transferred shall be disposed of by the said Principal Sudder Ameen according to the Rules prescribed in the Regulations for the guidance of the Zillah and City Judges in the like cases,—provided however that an Appeal from the order of the Principal Sudder Ameen in such cases shall lie in the first instance to the Zillah or City Judge, and specially to the Sudder Dewanny Adawlut.

IX. And it is hereby enacted, that Clause Second, Section II. Regulation VII. 1832, be repealed, and that in all cases in which an Appeal from the orders or decision of a Principal Sudder Ameen to a Zillah or City Judge is authorized by Law, such Appeal shall not be received, unless the same be preferred within the period of thirty days from the date of the order or decision of the said Principal Sudder Ameen to be calculated according to the rules prescribed in Clause Ten, Section VIII. Regulation XXVI. 1814, or unless it shall be proved, that the appellant was prevented by circumstances beyond his control from presenting his Appeal within the above mentioned period.

X. And it is hereby enacted, that Clause First, Section XXV. Regulation V, 1831 of the Bengal Code, be repealed.

XI. And it is hereby enacted, that the rule contained in the Second Clause of Section XXV. Regulation V. 1831, be extended to the Ministerial Officers of the Moonsiffs' Courts.

XII. And it is hereby enacted, that all Ministerial Officers of the Courts of Moonsiffs, Sudder Ameens, and Principal Sudder Ameens shall be nominated and appointed by those Courts respectively, subject to the general control of the Zillah and City Judges and Court of Sudder Dewanny Adawlut, within whose jurisdiction the said Courts may be situated.

1838/39

Acc. & Inv. No. 424

ACT No. XXVI. OF 1837.

Passed by the Right Hon'ble the Governor General of India in Council, on the 16th October 1837.

IT is hereby enacted, that from the day on which it shall be notified by an Order of the Governor General of India in Council, published in the Official Gazette, that the said Governor General has quitted his Council for the purpose of proceeding to the North Western Provinces till the time at which the said Governor General shall next, after the said Notification, rejoin his Council, the said Governor General shall have all the powers of Governor General in Council, except the power of making Laws or Regulations.

ACT NO. XXVII. OF 1837.

Passed by the Hon'ble the President of the Council of India in Council, on the 8th November 1837.

I. IT is hereby enacted, that from the 15th day of December 1837, there shall be paid to the Government on every Maund of 3,200 Tolas of Salt that may be delivered from any Salt Work in the Territories subject to the Government of the Presidency of Bombay, a Duty of Eight Annas, except only in cases in which the Governor in Council of Bombay may grant a remission of such Duty.

II. And it is hereby enacted, that from the said day Salt shall not be manufactured at any place within the said Territories, unless the person conducting the manufacture shall have given notice in writing to the Collector of the District in which the place of manufacture may be situated, of his intention to manufacture Salt at that place; and every such notice shall contain a true and accurate description of the situation of the Works and of the name by which they are known, and if the person giving the notice manufactures Salt at more places than one, of the distance at which those places are from each other.

III. And it is hereby enacted, that upon receiving such notice as is prescribed in the last preceding Section of this Act, the Collector of the District shall, by an Order under his Seal and Signature, depute one or more Officers, who shall be stationed for such time as the said Collector shall direct, at every such place of manufacture.

IV. And it is hereby enacted, that every Officer stationed at any Salt Works in the manner described in the last preceding Section of this Act, shall be entitled to have free passage over all parts of such Works at all times, and to take, at any time, account of the quantity of Salt manufactured and stored at such Works, and to put on any portion of such Salt which may be stored, such a mark as may be prescribed by the Collector of the District, and to prevent the removal of such Salt until the Duty thereon has been paid.

V. And it is hereby enacted, that whenever the Duty due under this Act, on any portion of Salt has been paid to the Collector of the District within which such Salt was produced, such Collector shall deliver to the person who has paid such Duty, a Receipt and Order in the form marked A annexed to this Act, which Receipt and Order shall specify the amount of Duty paid, and the quantity of Salt which the person who has paid that Duty is entitled to remove, and the place whence, and the person to whom that quantity of Salt is to be delivered.

VI. And it is hereby enacted, that on the production of such a Receipt and Order as is described in the last preceding Section of this Act, to the Officer stationed at the Salt Works whence the Salt to which such Receipt and Order relates, is to be removed, that Officer shall fill up the blanks which are marked therein, as intended to be filled up by that Officer, and shall tear off and retain that part of the Receipt and Order which is marked as intended to be torn off, and shall deliver the remaining part of the Receipt and Order to the person who removes the Salt, and the part of the Receipt and Order so delivered to the person removing the Salt shall be a Pass authorizing the removing of that Salt.

VII. And it is hereby enacted, that it shall be lawful for the Governor in Council of Bombay to establish Chokies as near as conveniently may be, to Works where Salt is manufactured, and to authorize any of the Officers stationed at such Chokies to stop and detain any Salt which is removed otherwise than in conformity with the foregoing Rules, and to search any load which may pass any such Chokie, and which may be suspected to contain Salt, and to take and cancel every Pass under which Salt shall be suffered to pass.

VIII. And it is hereby enacted, that it shall be lawful for the Collector of a District to direct, that any Salt Works within that District of which notice shall not have been given in the manner described in Section II. of this Act, shall be destroyed.

IX. And it is hereby enacted, that it shall be lawful for the Collector of a District to direct the confiscation of any Salt which may have been removed from any Works within that District otherwise than in conformity with the foregoing Rules, or which is found clandestinely stored for the purpose of evading the Duty imposed by this Act.

X. And it is hereby enacted, that whoever shall manufacture Salt at any Works whereof notice shall not have been given to the Collector of the District in the manner required by this Act, or shall remove, or aid the removing of any Salt from any Salt Works, otherwise than in conformity to the provisions of this Act, or shall with a fraudulent intention counterfeit any mark which a Collector of a District may have ordered to be put on Salt in store, shall be punished with imprisonment for a term not exceeding three months, or fine not exceeding five hundred Rupees, or both.

XI. And it is hereby enacted, that whoever intentionally obstructs any Officer in the exercise of any powers given by the Act to such Officer, shall be punished with imprisonment for a term not exceeding six months, or fine not exceeding one thousand Rupees, or both.

XII. And it is hereby enacted, that whoever being an Officer appointed under the authority of this Act, shall accept, or obtain, or attempt to obtain from any person any property, as a consideration for doing or forbearing to do any official act, shall be punished with imprisonment for a term not exceeding two years, or fine, or both.

XIII. And it is hereby enacted, that whoever being an Officer, appointed under the authority of this Act, practises, or attempts to practise any fraud for the purpose of injuring the Revenue, or abets, or connives at any such fraud, or at any attempt to practise any such fraud, shall be punished with imprisonment for a term not exceeding two years, or fine, or both.

XIV. And it is hereby enacted, that it shall be lawful for the Governor in Council of Bombay, by an order in Council, to transfer the superintendance of the Salt Revenue of any District from the Collector of that District to any other functionary, and that whenever such a transfer shall take place, all provisions of this Act which apply to such a Collector, shall be applicable to the functionary to whom the superintendance of the Salt Revenue has been so transferred.

PERMIT No. 1 OF ZILLAH SURAT.

(THIS PART TO BE TORN OFF AND RETAINED BY THE OFFICER.)

Salt delivered this day, and this order cancelled ——— 1838.
A. B. *Salt Officer.*

CERTIFIED, that the sum of Rupees 250 on account of Government Duty on five hundred Maunds of Salt has been paid at the Office of ——— for the District of ———on this day, the ——— of ——in the year——. The Salt is to be delivered by——at the——— Works in Pergunna———on or before the 20th Instant.

The Government Officer at those Works, Lala Munsa Ram, is to allow the same to be delivered, provided this order is presented on or before the said Twentieth day of December. in the year 1838.

Maunds 500.

A. B. *Collector.*

10*th December* 1838.

(*Tear off here*)———————————————————————————

PASSED this 20th December 1838 from Salt Works———belonging to———,Maunds of Salt five hundred, to be caried away on Banjaree Bullocks (here enter number). This Pass will protect the dispatch to Doodea until sunset of the 21st December.

To be torn off and delivered to the Banjaree.

ACT No. XXVIII. OF 1837.

Passed by the Hon'ble the President of the Council of India in Council, on the 20th November 1837.

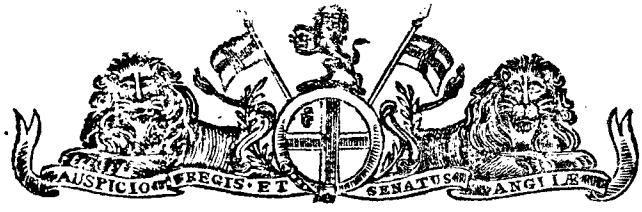
IT is hereby enacted, that so much of Section VII. Regulation X. of 1829 of the Bengal Code, as directs that the Officer to whom the management of the Stamp Duties may be transferred shall be a Covenanted Officer, be repealed.

ACT No. XXIX. OF 1837.

Passed by the Hon'ble the President of the Council of India in Council, on the 20th November 1837.

I. IT is hereby enacted, that from the First day of December 1837, it shall be lawful for the Governor General of India in Council, by an Order in Council, to dispose, either generally, or within such local limits as may to him seem meet, with any provision of any Regulation of the Bengal Code, which enjoins the use of the Persian language in any Judicial proceeding or in any proceeding relating to the Revenue, and to prescribe the language and character to be used in such proceedings.

II. And it is hereby enacted, that from the said day it shall be lawful for the said Governor General of India in Council, by an Order in Council, to delegate all or any of the powers given to him by this Act to any subordinate authority, under such restrictions as may to the said Governor General of India in Council seem meet.



ACT NO. XXX. OF 1837.

Passed by the Hon'ble the President of the Council of India in Council, on the 20th November 1837.

IT is hereby enacted, that from the Fifteenth day of December 1837, all Aumeens of Police who have been or may be appointed according to Section XL. Regulation XI. of 1816 of the Madras Code, to act with the Police powers vested in Tuhsildars by that Regulation, shall possess all Police powers and Criminal Judicial powers which are vested in Tuhsildars within the Territories subject to the Presidency of Fort St. George, by any Law or Regulation whatever, and shall be subject to all provisions to which, by any Law or Regulation Tuhsildars are subject, in respect of any of those powers.

ACT NO. XXXI. OF 1837.

Passed by the Hon'ble the President of the Council of India in Council, on the 20th November 1837.

I. IT is hereby enacted, that so much of Act No. XVII. of 1835, as directs that certain Coins issued from the Mints within the Territories of the East India Company shall bear on the obverse the head of the reigning Sovereign of the United Kingdom of Great Britain and Ireland, shall be suspended, till the Governor General of India in Council shall, by an Order in Council, declare those parts of the said Act to be again in force.

II. And it is hereby enacted, that till the said Governor General in Council shall make such an Order in Council as is aforesaid, the said Coins shall bear on their obverse the head of His late Majesty, William the Fourth.

ACT No. XXXII. OF 1837.

Passed by the Hon'ble the President of the Council of India in Council, on the 20th November 1837.

I. IT is hereby enacted, that from the Fifteenth day of December 1837, Act No. V. of 1837, be repealed.

II. And it is hereby enacted, that from the said day no Native of India, except as hereinafter excepted, who makes a contract of service to be performed without the Territories of the East India Company, shall embark, in pursuance of such contract, on board of any Vessel, at any place, within the said Territories, without an Order from the Government of the Presidency to which such place may belong, or a Permit from an Officer authorized to act in that behalf by the Governor in Council of the Presidency, if there be a Council of that Presidency, but if there be no Council, then by the Governor thereof.

III And it is hereby enacted, that before any such Permit shall be granted by any such Officer, such Native, and also the person with whom such Native has contracted, or an authorized Agent of that person, shall personally appear before that Officer, and shall exhibit a memorandum of the contract written both in English and in the mother tongue of such Native, which memorandum shall specify the nature, the term, and the wages of the service, as settled by the contract.

IV. And it is hereby enacted, that no such Permit shall be granted, unless the contract of service shall be made determinable on the expiration of one term of not more then five years, to be reckoned from the date of the contract, or of successive terms, none of which shall exceed five years; and unless such contract shall contain a stipulation that such Native shall be conveyed back to the Port at which he is embarked, free of charge to himself, at the expiration of his service.

V. And it is hereby enacted, that it shall be lawful for the said Officer to examine the said Native, and the person with whom that Native has contracted, or the Agent of that person, touching the terms of the contract, and shall cause those terms to be distinctly explained to the said Native.

VI. And it is hereby enacted, that if the said Officer shall be satisfied that the said Native fully understands the terms of the contract, and is desirous to fulfil the same, the said Officer shall make and sign on the back of the written memorandum aforesaid, a note to the effect that the said written memorandum has been inspected by him the said Officer; and such note shall be a Permit, authorizing the said Native to embark; and the memorandum of contract, with the Permit so written thereupon, shall be delivered to the Native, to be kept by him during his service.

VII. And it is hereby enacted, that if application is made for Permits, authorizing more than twenty Natives to embark on board of any one vessel, it shall be lawful for the Officer aforesaid to summon the person in charge of that vessel, and to examine that person as to the accommodations, food and medical attendance provided for such Natives on board of that vessel, and to inspect that vessel, or by an order under his hand, to depute any other person to inspect the same.

VIII. And it is hereby enacted, that the Officer aforesaid shall not grant Permits authorizing a greater number of Natives than twenty, to embark on board of any one vessel, unless he is satisfied that the accommodations, food and medical attendance, provided for such Natives on board of that vessel, will be sufficient for their health.

IX. And it is hereby enacted, that the Officer aforesaid shall keep a Register of all Natives to whom he shall grant such Permits as aforesaid, which Register shall specify their names, the periods of the contracts, the date of the Permits, the places of their destinations and the vessel on board of which they are permitted to embark; and also the names of the parties with whom the contracts are made, and of the Agents of such parties as appear by Agents, and of the Masters of the vessels on which such Natives are permitted to embark.

X. And it is hereby enacted, that for every such Permit it shall be lawful for the Officer aforesaid, to require that a fee, not exceeding one rupee, shall be paid by the person with whom the Native to whom the Permit relates has contracted, or by the authorized Agent of that person.

XI. And it is hereby enacted, that whoever being in charge of any vessel, at any place within the Territories of the East India Company, shall knowingly suffer any such Native as is aforesaid, to embark on board of that vessel in pursuance of any such contract as is aforesaid, without either an order from the Government of the Presidency to which such place may belong, or such a Permit as is aforesaid being produced to him by the Native so embarking shall, on conviction thereof before a Magistrate, be punished with a fine not exceeding two hundred rupees for every Native so suffered to embark, and, in default of payment of such fine, with imprisonment for a term not exceeding thirty days for every Native so suffered to embark.

XII. Provided always, that nothing in this Act contained, shall be taken to apply to any Native Seaman, who shall embark on board of any vessel in pursuance of a contract to navigate that vessel, or to any person who shall embark as a menial servant.

1838/39

Acc. Inw. No. 4

ACT No. XXXIII. OF 1837.

Passed by the Hon'ble the President of the Council of India in Council, on the 20th November 1837.

I. IT is hereby enacted, that from the Fifteenth day of December 1837, the provisions of Clauses Second and Third, Section IV. Regulation IV. of 1821 of the Madras Code, shall apply to all petty offences cognizable by heads of District Police, as well as to petty thefts.

II. And it is hereby enacted, that whenever any head of District Police shall, under those provisions, report any case whatever to a Magistrate for final orders, such head of District Police shall state precisely in his report the description and extent of the punishment which in his opinion is proper to be inflicted in that case; and the said Magistrate, if he give orders at variance in any respect with that opinion, shall record his reasons for varying from it.

ACT NO. XXXIV. OF 1837.

Passed by the Hon'ble the President of the Council of India in Council, on the 20th November 1837.

I. IT is hereby enacted, that from the Fifteenth day of December 1837, Section VI. Regulation VIII. of 1827 of the Madras Code, shall be repealed; and that it shall be lawful for Magistrates, under the Government of the Presidency of Fort St. George, to send persons for trial, committal, or confinement, to Principal Sudder Aumeens, any provision of any Regulation to the contrary notwithstanding.

II. Provided always, that it shall not be lawful to send any European or American, for such purpose, to a Principal Sudder Aumeen; but that Magistrates shall send Europeans and Americans for trial, committal, or confinement, to the Criminal Judges, as heretofore.

ACT NO. XXXV. OF 1837.

Passed by the Hon'ble the President of the Council of India in Council, on the 20th November 1837.

I. IT it hereby enacted, that from the Fifteenth day of December 1837, all provisions of any Regulation of the Madras Code, which direct, that any translations of Decrees passed by the Court of Sudder Adawlut, or by the Provincial Courts, or by the Courts of Zillah Judges, or by the Auxiliary Courts, under the Prisidency of Fort St. George, shall be attached or appended to those Decrees, or shall be furnished to parties in the Suits wherein those Decrees are passed, shall be repealed.

II. And it is hereby enacted, that from the said day, an Abstract of every such Decree, containing a succinct statement of the grounds of judgment, shall, on the day of the promulgation of the Decree, be entered in the Diary of the Court passing the Decree; and every party in the Suit wherein the Decree is passed, shall be entitled to be furnished with a copy of that Abstract, on application for a copy thereof, or with a translation of that Abstract in a current language of the District or Country, on application for such a translation.

III. And it is hereby enacted, that from the said day, all rules now in force within the Presidency of Fort St. George, for determining from what days the limited periods for appealing from Decrees of the Sudder Adawlut, or of the Provincial Courts or of the Zillah Judges, or the Zillah Assistant Judges, or of the Zillah Registers, shall be computed, shall be repealed; and that such limited periods for appealing from any such Decree shall be computed from the day on which the Decree is sealed and signed, agreeable to Section XXVII. Regulation III. of 1802 of the Madras Code: Provided always, that if, within such limited period as aforesaid, an application be made by a Plaintiff or Defendant for a copy of the Decree, or for a copy or a translation of the Abstract mentioned in the Clause last preceding, or for both a copy of the Decree and a copy or a translation of the Abstract, and if the Document or Documents so applied for be not delivered or tendered on the same day to the party applying, then, for every day of such delay not attributable to that party, a day shall be added to the period allowed for appealing, in as far as the right of that party is concerned.

IV. And it is hereby enacted, that the day on which the time for appealing will expire, shall be certified at the end of every document furnished to any party according to the last preceding Clause.

V. And it is hereby enacted, that on the day on which any such Decree is sealed and signed, the day on which the original limited period for appealing will expire, shall be proclaimed in open Court.

ACT No. XXXVI. OF 1837.

Passed by the Hon'ble the President of the Council of India in Council, on the 20th November 1837.

I. IT is hereby enacted, that from the Fifteenth day of December 1837, the jurisdiction vested in Collectors, Subordinate Collectors and Assistant Collectors, by Regulations IX. of 1822 and VII. of 1828 of the Madras Code, in cases of embezzlement of public money, and of the falsification, destruction or concealment of any public account, record, voucher, or document relating to public money, shall extend to cases of the embezzlement of any public property, or the falsification, destruction, or concealment of any public account, record, voucher, or document, relating to any public property, by any person of any of the classes described in the Third Clause of Section II. of the said Regulation IX. of 1822.

II. And it is hereby enacted, that from the said day, all provisions of either of the said Regulations IX. of 1822 and VII. of 1828, which apply to cases of the embezzling of public money, shall apply to cases of the embezzling of any public property whatever, by persons of any of the classes described in the Third Clause of Section II of the said Regulation IX. of 1822: and that all provisions of either of those Regulations, which apply to cases of the falsification, destruction or concealment of any public account, record, voucher, or document relating to public money, shall apply to cases of the falsification, destruction, or concealment of any public account, record, voucher, or document, relating to any public property whatever, by persons of any of the said classes.

ACT No. XXXVII. OF 1837.

Passed by the Hon'ble the President of the Council of India in Council, on the 20th November 1837.

I. IT is hereby enacted, from the First day of January 1838, so much of Section 26, Regulation XIII. 1827 of the Bombay Code, as requires that the Special Courts for the trial of persons charged with offences of a political nature shall forward their proceedings to the Governor in Council, be repealed; and those Courts shall from the said First day of January 1838, forward their proceedings to the Foujdarry Adawlut.

II. And it is hereby enacted, that the Foujdarry Adawlut, on the receipt of any trials referred to them under this Act, shall proceed thereupon according to the rules in force with respect to other trials referred to them; except that they shall in every instance report their sentence, with the whole of the proceedings held upon the case, to the Governor in Council, and shall wait the orders of Government before they direct their sentence to be carried into execution.

ACT No. XXXVIII. OF 1837.

Passed by the Hon'ble the President of the Council of India in Council, on the 20th November 1837.

IT is hereby enacted, in modification of the provision contained in Section IX. Regulation XIX. of 1810 of the Bengal Code, that no person shall, by reason of his not being in the Civil, Military, or Medical branch of the service, be incapable of being appointed a local Agent under that Regulation.

INDEX

TO THE

ACTS OF THE SUPREME GOVERNMENT.

	Year.	Act.	Section.	Clause.
Act XIV. 1836, Article of Schedule B modified, ...	1837.	XVI.	XI.	
„ „ „ Section XVIII. modified, ..	....	.....	XII.	
„ „ „ „ XV. modified, ...	....	.....	XIII.	
„ V. 1837 repealed, ...	....	XXXII.	I.	
Agents (Local)—Incapability of certain persons to be appointed under Regulation XIX. of 1810, removed, ...	....	XXXVIII.	I.	
Assessments—See Justices of Peace for the Town of Calcutta.				
„ See Tax.				
Coins—Suspending so much of Act XVII. 1835, as directs that certain, shall bear on the obverse the head of the reigning Sovereign, ...	....	XXXI.	I.	
„ Till Government declare those parts of the said Act to be again in force, the Coins shall bear the head of His late Majesty William the Fourth, ...	....	.....	II.	
Convicts—Lawful for Courts established by His Majesty's Charters to permit any convict recommended for a pardon, to be at liberty on his own recognizance,	....	VII.	I.	
Declaration (written)—See Oaths.				
Duties (Customs)—When the, fixed to be levied upon Goods referred to, shall be *ad valorem*, how the value of such Goods shall be declared by the Exporter, which shall include the packages or materials in which the Goods may be contained: and the provisions of Regulation VI. 1833, for cases of disputed value, (excepting Section IV.) shall apply to Goods intended to be exported by sea, ..	....	XVI.	II.	
„ Lawful for the Governor from time to time to fix a value for any article liable				

to

	Year.	Act.	Section.	Clause.
to *ad valorem* duty, which value shall be taken for levying duty on such article, Duties (Customs)—Punishment for the removal from, or putting on board of a vessel any Goods, at time and days alluded to,	1837.	XVI.	III.	
without leave, ...	....	.....	IV.	
„ Punishment for the putting on board of a vessel any Goods, when a Custom House officer is not attached to it, ...	....	.....	V.	
„ Punishment for refusing to receive on board one Servant of a Custom House officer, and to provide such officer and servant with suitable shelter, &c., ...	....	.....	VI.	
„ No cargo boat laden with Goods, shall make fast to or lie alongside of any vessel, without a Custom House permit or order. The goods in any boat so found, liable to confiscation,	....	.....	VII.	
„ A boat note to accompany Goods sent to be landed and passed for importation. Boats containing imported Goods may be detained, and the Goods shall be liable to confiscation, under circumstances stated, ...	....	.....	VIII.	
„ Goods brought to be passed for importation or exportation, with the packages in which they may be contained, liable to confiscation, under circumstances stated, ...	....	.....	IX.	
„ Goods liable to be confiscated, if removed, or attempted to be removed, after they have been landed, and before passing through the Custom House, ...	....	.....	X.	
„ Modifying the article of Shedule B of Act XIV. 1836, which provides that when Sugar or Rum shall be exported on British bottoms to any British possession, no duty shall be levied, and if on foreign bottoms, a duty of 3 per cent. only. How duties now to be levied are to be credited, ...	....	.....	XI.	
„ Goods shipped after port clearance, if imported Goods liable to Drawback, such Drawback shall be forfeited, but no separate duty levied, ...	....	.....	XII.	
„ Goods landed at the Custom House may be sold on account of Duties, &c., under circumstances stated, ...	....	.....	XIII.	

No

	Year.	Act.	Section.	Clause.
Duties (Customs)—No payment shall be made of Drawback upon any Goods exported, but under the circumstances stated,	1837.	XVI.	XIV.	
„ Drawback shall not be allowed upon Goods shipped in certain Dhonies and Native Craft, ...	....	.....	XV.	
„ Power of Board of Customs to fix and alter the rates of wharfage and Godown rent charges, and to determine the time for which Goods shall be allowed to remain on the wharfs, or in the Godowns free of charge, ...	....	.....	XVI.	
„ Goods brought by sea, and stowed in bulk, may be weighed on board ship, and duty levied according to the result of such weighing, ...	....	.....	XVII.	
„ Punishment for offering any obstruction to the weighing, ...	....	.....	XVIII.	
„ (Postage)—Exclusive right of conveying letters by post for hire vested in the Governor General of India in Council, ..	....	XVII.	II.	
„ „ Governor General of India in Council, and any authority thereunto empowered, competent to grant a License for so conveying letters, ...	....	.....	III.	
„ Such license may be revoked at pleasure, ...	....	.....	IV.	
„ Punishment for letters conveyed, received, or delivered, as described, ...	....	.....	V.	
„ Inland postage duties shall be levied on the conveyance of letters and packets at the rates specified, and full postage shall be paid on receipt or delivery, and no additional charge shall be made for transfers from one Post Office to another, ...	....	.....	VI.	
„ *When* any letter or packet exceeding 12 tolas in weight shall not be conveyed by the letter post, ...	....	.....	VII.	
„ *When* letters and packets exceeding 12 tolas, and not exceeding 40 tolas, in weight shall be conveyed by the letter post. The postage chargeable thereon,	....	.....	III.	
„ Punishment for sending any such packet, as noticed, with a knowledge that it contains any writing not necessarily part of the documents which such packet is stated to contain, ...	....	.....	IX.	

Punishment

	Year.	Act.	Section.	Clause.
Duties (Postage)—Punishment for sending any such packet, as noticed, with a knowledge that it contains any writing other than the direction on the cover, ...	1837.	XXII.	X.	
„ Proof sheets may be sent by letter post at the rates and on the conditions specified, ...	....	.....	XI.	
„ A scale of distances to be framed, according to which the rates of inland postage to be calculated, ...	....	.....	XII.	
„ Steam postage shall be levied on letters and packets, and it shall be in excess of inland postage, ...	....	.....	XIII.	
„ Ship postage shall be levied on letters and packets, and not liable to steam postage, ...	....	.....	XIV.	
„ Rule regarding letters and packets brought by sea on board of any vessel, ..	....	.....	XV.	
„ Punishment for disobeying any of the directions contained in the preceding Section, ...	....	.....	XVI.	
„ One anna to be paid to the Commander for every letter or packet delivered by him, ...	....	.....	XVII.	
„ Payment to be made to Commanders, whenever any letter or packet is transhipped for transmission to any place alluded to. Proviso,.. ..	....	... .	XVIII.	
„ No payment shall be made to any Commander for the delivery of any letter or packet, unless his claim be preferred at either period stated, ...	....	.....	XIX.	
„ Punishment for not receiving letters and packets, and signing a receipt for them, ...	....	....	XX.	
„ *When* the person to whom a letter or packet is delivered shall not be bound to pay the postage, is bound to pay, if he opens the same. Proviso,....	....	.....	XXI.	
„ Letters or packets rejected unopened to be returned to the sender, who is to pay the return postage, unless direct postage has been paid, ...	....	.....	XXII.	
„ When the sender is unknown, by whom the letter or packet is to be opened, ...	....	.....	XXIII.	
„ A letter or packet may be withheld from any person refusing to pay any				

	Year.	Act.	Section.	Clause.
postage, which he is legally bound to pay for it, ...	1837.	XVII.	XXIV.	
Postage—Unclaimed letters and packets to be sent to the General Post Office, ..	....	.....	XXV.	
„ *When* Lists of such letters and packets shall be published, ...	....	.....	XXVI.	
„ Measures to be adopted when letters and packets may have remained a certain time unclaimed in the General Post Office, ...	...	.....	XXVII.	
„ The persons mentioned may send and receive letters and packets, free of postage. Those sent to be franked as Government may direct, ...	....	.....	XXVIII.	
„ Government competent to grant to other persons the said privilege, on such conditions and under such rules as the Government may direct, ...	....	.....	XXIX.	
„ Course of Post Master General or Post Master, on suspecting that any letter or packet contains any contraband article, or any article on which duty is owing, or any writing in contravention of Sections IX. and X. of this Act,....	....	.....	XXX.	
„ Government shall not be responsible for loss or damage, nor any person attached to the Post Office Department, unless this person had caused such loss or damage maliciously or fraudulently,..	....	.....	XXXI.	
„ Fines may be levied on conviction before any of the Authorities noticed—Proviso,....	....	.....	XXXII.	
„ Punishment for fraudulently appropriating letters or packets, or any thing contained therein, or opening any letter, packet or banghy box, ...	....	.....	XXXIII.	
„ Punishment for fraudulently appropriating money received for postage duty, ...	....	.....	XXXIV.	
„ Punishment for fraudulently putting any wrong mark on any letter or packet, or altering or causing to disappear any mark which is thereon, ...	....	.....	XXXV.	
„ Punishment for fraudulently preparing documents incorrectly, or altering, secreting, or destroying them, ...	....	.....	XXXVI.	
„ Punishment for putting any letter or packet into the walletts, with a view to				

defraud

	Year.	Act.	Section.	Clause.
defraud Government of the Postage duty, ...	1837.	XVII.	XXXVII.	
Postage—Describing the tola weight, ..	....	.....	XXXVIII.	
„ This Act to have effect from the 1st of October 1837, and no postage duty to be levied on any letter received before that date on the authority of this Act, ...	....	.....	XXXIX.	
Engagements—see Malgoozars in the Province of Cuttack.				
Foreign States in Asia or Africa—Rule regarding the terms and condition on which Goods may be imported into the Territories of the East India Company, or exported thence, in Vessels belonging to the subjects of, ...	....	XIV.	I.	
Governor General—During the intermediate period stated, His Lordship shall have all the powers of the, in Council, except the power of making Laws or Regulations,	....	XXVI.	I.	
Houses—Every house and out house built within the City of Calcutta, after the 1st November 1837, shall be covered with an outer roof of incombustible materials—Punishment for contravention of this provision, ...	....	XII.	I.	
„ Lawful for Superintendent of Police to tender to the owner of any existing house or out-house, not so covered, a sum of money to defray the expence of so covering it—Punishment if the money be accepted, and the engagement to so cover the house or out-house within a certain time be not fulfilled, ...	....	.....	II.	
„ Course of the Superintendent if any house or out-house be built in contravention of Section I. of this Act, or if any owner of a house or out-house shall refuse to accept the money tendered by the Superintendent, ...	....	.....	III.	
„ Punishment for obstructing the Superintendent, (or any person acting under his authority,) in the exercise of the powers given to him by Section III. of this Act, ...	....	... .	IV.	
„ Fines levied under this Act to be paid into the General Treasury, and how to be applied, ...	....	.....	V.	

	Year.	Act.	Section.	Clause.
Jumma—see Malgoozars in the Province of Cuttack.				
Justices of the Peace for the Town of Calcutta—Lawful for any one of them, to issue a warrant of distress for the recovery of arrears of assessment, ...	1837.	I.	I.	
Land—Lawful for His Majesty's subjects to hold property in, or in emoluments issuing out of, ...	....	IV.	I.	
„ Rules prescribing the manner in which such property may be acquired and held by Natives, extended to the foregoing persons, ...	....	.....	II.	
Language—Government may dispense with the use of the Persian, in any Judicial or Revenue proceedings, and prescribe the language and character to be used therein, ...	....	XXIX.	I.	
„ And also delegate all or any of the powers given to them by this Act to any subordinate authority under restrictions alluded to, ...	....	.....	II.	
Malgoozars in the Province of Cuttack, shall be answerable for the Jumma fixed by the terms of the settlement now existing, until a new one shall be completed and confirmed, ...	....	VI.	I.	
„ Lawful for them, under circumstances stated, to relinquish their existing engagements at the expiration of the term for which they have been made, ...	....	.....	II.	
Moonsiffs—see Sudder Ameens.				
Natives of India—None, save those excepted, who makes a contract of service to be performed without the Company's Territories shall embark, in pursuance thereof, on board of any vessel within those Territories, without an Order from the Government or a Permit from the Officer mentioned, ...	....	XXXII.	II.	
„ Before such Permit is granted, the contracting parties to appear personally before such Officer, and exhibit a Memorandum of the Contract, ...	....	.....	III.	
„ No Permit shall be granted, except under the circumstances stated, ...	....	.....	IV.	
„ The Officer to examine the contracting parties, touching the terms of the				

contract

	Year.	Act.	Section.	Clause.
contract, and to explain those terms to the Native, ...	1837.	XXXII.	V.	
Natives of India—And he shall, under the circumstances stated, make, on the back of the Memorandum, a Note to the effect mentioned, which Note shall be a Permit, and the Memorandum shall be delivered to the Native, ...	....	.....	VI.	
„ Measures to be adopted, if application is made for Permits, authorizing more than twenty Natives to embark on board of any one Vessel, ...	....	.....	VII.	
„ Permits shall not be granted authorizing more than twenty Natives to embark on board of any one Vessel, except under the circumstances stated, ...	...	.....	VIII.	
„ A Register to be kept of all Natives to whom Permits shall be granted, of the parties with whom contracts are made or of their Agent, and of Masters of Vessels on which Natives are permitted to embark, ...	....	.....	IX.	
„ Authorizing a fee of one rupee for every Permit, ...	....	.....	X.	
„ Punishment for suffering any Native to embark in pursuance of such contract, without an Order or a Permit, ..	....	.....	XI.	
„ This Act not applicable to Native Seamen or Menial Servants, referred to, ...	....	....	XII.	
Oaths may be dispensed with by the Authorities mentioned, ...	....	XXI.	I.	
„ To what oath this dispensing power does not extend, ...	....	....	II.	
„ A written declaration substituted for an oath, when dispensed with, ...	....	.....	III.	
„ Punishment for knowingly stating an untruth in any declaration, ...	....	.....	IV.	
Officers, (Ministerial)—see Sudder Ameens.				
Regulation XV. 1817, of the Bengal Code, repealed, ...	....	XVI.	I.	
„ IX. 1810, Section LI. modified,....	....	... .	XVI.	
„ XI. 1830, of the Bombay Code, repealed 1837, ...	....	XVII.	I.	
„ V. 1831, Section XVIII. of the Bengal Code, modified, ...	....	XXV.	I.	
„ VII. 1822 Clause Second, Section XXXI. and Section XIX. Regulation				

	Year.	Act.	Section.	Clause.
VIII. 1831 (parts of) of the Bengal Code, repealed, ...	1837.	XXV.	II.	
Regulation VII. 1832, Clause Second, Section II. repealed, ...	....	.....	IX.	
„ V. 1831, Clause First, Section XXV. of the Bengal Code, repealed, ...	....	.....	X.	
„ X. 1829, Section VII. (a part) of the Bengal Code, repealed, ...	....	XXVIII.	I.	
„ XIX. 1810, Section IX. of the Bengal Code, modified, ...	....	XXXVIII.	I.	
Session Judges—see Superintendents of Police.				
Stamp—Management of duties may be transferred to other than a Covenanted Officer, ...	....	XXVIII.	I.	
Sudder Dewanny Adawlut—Lawful for the Courts of, to direct the transfer of the cognizance of original suits or appeals from one Zillah or City Court to another,	....	III.	I.	
„ Reasons for such transfer to be recorded, ...	....	.....	II.	
Sudder Ameens—No Zillah or City Judge precluded, by reason of the amount or value of the property for the recovery of which a suit is instituted, from referring it to any Principal Sudder Ameen, ...	....	XXV.	I.	
„ Every Zillah or City Judge may refer for trial and decision any original suit preferred under Clause First, Section XXX. Regulation II. 1819, to a Principal Sudder Ameen, ...	....	.....	III.	
„ Appeals from the decision of Principal, in certain suits, as well as applications for a review of judgment on such decision shall be preferred directly to the Sudder Dewanny Adawlut, and how to be conducted, ...	....	.....	IV.	
„ Whenever a Zillah or City Judge shall refer for trial to a Principal Sudder Ameen or Sudder Ameen, a suit within the competency of a Moonsiff to decide, to what rules in regard to stamp duties and appeal it shall be subject, ...	....	.....	V.	
„ If decided by a Principal, appeal triable only by the Judge, ...	....	.....	VI.	
„ Whenever a Zillah or City Judge shall refer for trial to a Principal Sudder Ameen a suit within the competency of				

a Sudder

	Year.	Act.	Section.	Clause.
a Sudder Ameen to decide, to what rules in regard to stamp duties and appeal it shall be subject, ..	1837.	XXV.	VII.	
Sudder Ameen—The Courts of Sudder Dewanny Adawlut may authorize any Zillah or City Judge to transfer to a Principal Sudder Ameen certain civil proceedings, which shall be disposed of by him according to the rules stated—Proviso in regard to appeals, ...	....	.....	VIII.	
„ Appeals from the orders or decisions of a Principal Sudder Ameen to a Zillah or City Judge shall not be received unless preferred within the limit prescribed, except under the circumstance stated, ...	....	.....	IX.	
„ Clause Second, Section XXV. Regulation V. 1831, extended to Ministerial Officers of the Moonsiff's Courts, ..	....	.....	XI.	
„ Those of the Courts of Moonsiffs, Sudder Ameens, and Principal Sudder Ameens, shall be nominated and appointed by those Courts, subject to the control of the Zillah and City Judges and Sudder Dewanny Adawlut, ...	....	.....	XII.	
Superintendents of Police—authorizing the appointment of, ...	....	XXIV.	I.	
„ When one is appointed, certain parts of Section VII. Regulation I. 1829, shall cease to have effect within his jurisdiction—By what rules he is to be guided in the execution of his duties, ...	....	.....	II.	
„ When one is appointed for any jurisdiction, Section III. Regulation IX. 1831, shall cease to have effect within it,	....	.....	III.	
„ Powers of, in regard to the appointment, suspension and removal of any Ministerial or Police Officer subordinate to any Magistrate or Joint Magistrate, ...	....	.....	IV.	
„ When a Session Judge shall receive and try any appeal from any order of a Magistrate or Joint Magistrate—Proviso, ...	....	.....	V.	
„ The decision of a Session Judge, and the orders of the, alluded to, shall not be open to revision by the Nizamut Adawlut, ...	....	.....	VI.	

When

	Year.	Act.	Section.	Clause.
Superintendent of Police—When a Session Judge shall possess a control and superintendence over Jails and the officers thereof, ...	1837.	XXIV.	VII.	
„ When shall be appointed, and the rest of this Act come into operation, ...	....	.....	VIII.	
Tax—Lawful for Magistrates and Joint Magistrates to appropriate a portion of the, levied under Regulation XXII. 1816, to the cleansing and repairing of Towns,..	....	XV.	I.	
„ The Punchaite appointed by the Sunnud referred to, competent to fix the rate of Assessment to be levied from the proprietor or principal occupier of any shop or habitation at two Company's Rupees per mensem, ...	....	.....	II.	
„ No person shall by reason of place of birth or descent be exempted from the payment of any assessment under Regulation XXII. 1816 or this Act, ..	....	.....	III.	
Thuggee—Any person charged with murder by, or having belonged to a gang of Thugs, may be committed by any Magistrate or Joint Magistrate for trial before any competent Criminal Court, ..	....	XVIII.	I.	
Towns—see Tax.				
Transfers—see Sudder Dewanny Adawlut.				
Witnesses—No person convicted of any offence, shall be incompetent to be a witness in any civil or criminal cause, ..	....	XIX.	I.	

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INDEX

TO THE

ACTS OF THE SUPREME GOVERNMENT

FOR 1837.

	Year.	Act.	Section.	Clause.
Act XIV. 1836, Article of Schedule B. modified, ...	1837.	XVI.	XI.	
„ „ „ Section XVIII. modified, ..	....	.....	XII.	
„ „ „ „ XV. modified, ...	....	.....	XIII.	
„ XVIII. of 1836, repealed, ...	....	II.	I.	
„ V. 1837, repealed, ...	....	XXXII.	I.	
Agents (Local)—Incapability of certain persons to be appointed under Regulation XIX. of 1810, Bengal Code, removed,	....	XXXVIII.	I.	
Ameens of Police appointed according to Section XL. Regulation XI. of 1816, Madras Code, vested with all the Police, and Criminal and Judicial powers exercised by Tuhsildars, and declared subject to the laws to which Tuhsildars are subject in respect of those powers, ...	....	XXX.		
Americans—See Sudder Ameens.				
Anjengo formed into a separate Jurisdiction, and the Resident in Travancore empowered to exercise therein the duties of Judge, Criminal Judge and Magistrate, ...	....	VIII.		
Appeals—See Decrees.				
Assessments—See Justices of Peace for the Town of Calcutta.				
„ See Tax.				
Bhore Ghât—See Toll.				
Changancherry formed into a separate jurisdiction, and the Resident in Travancore empowered to exercise therein the duties of Judge, Criminal Judge and Magistrate, ...	....	„		
Chingleput—See Revenue.				

	Year.	Act.	Section.	Clause.
Coins—Suspending so much of Act XVII. 1835, as directs that certain shall bear on the obverse the head of the reigning Sovereign, ...	1837.	XXXI.	I.	
„ Till Government declare those parts of the said Act to be again in force, the Coins shall bear the head of His late Majesty William the Fourth, ...	....	.....	II.	
Convicts—Lawful for Courts established by His Majesty's Charters to permit any Convict recommended for a pardon, to be at liberty on his own recognizance, ...	....	VII.	I.	
Courts Martial—Legalizing trials by, held at Military Stations not properly proclaimed under Section IX. Regulation XXII. of 1827, Bombay Code, ...	....	XIII.		
Declaration (written)—See Oaths.				
Decrees—Repealing Regulations of the Madras Code which direct that the translations of Decrees passed by the Sudder, Provincial, Zillah, or Auxiliary Courts, shall be attached to those Decrees, or be furnished to parties concerned, ...	....	XXXV.	I	
„ Prescribing that an Abstract of every Decree be entered in the Diary of the Court on the day of its promulgation, and a copy, or translation, of such Abstract be furnished to parties on application, ...	....	.....	II.	
„ Modifying existing Rules regarding the period for preferring appeals, ...	....	.....	III.	
„ The day on which the time for appealing shall expire to be certified in the Abstract, or translation thereof, furnished to any party, ...	....	.....	IV.	
Decrees—And to be proclaimed in open Court, ...	....	.....	V.	
District Police—Heads of, rendering the provisions of Clauses 2d and 3d, Section IV. Regulation IV. of 1821, Madras Code, applicable to all cases of petty offences cognizable by, ...	....	XXXIII.	I.	
„ Those Officers in reporting cases to Magistrate, shall state the punishment they think adequate, and Magistrate, if he differ in opinion, shall record his reasons for so differing, ...	....	.....	II.	

	Year.	Act.	Section.	Clause.
Duties (Customs)—When the, fixed to be levied upon Goods referred to, shall be *ad valorem*, how the value of such Goods shall be declared by the Exporter, which shall include the packages or materials in which the Goods may be contained, and the provisions of Regulation VI. 1833, Bengal Code, for cases of disputed value, (excepting Section IV.) shall apply to Goods intended to be exported by Sea, ...	1837.	XVI.	II.	
„ Lawful for the Governor from time to time to fix a value for any article liable to *ad valorem* duty, which value shall be taken for levying duty on such article,	....	.....	III.	
„ Punishment for the removal from, or putting on board of a vessel any Goods, at time and days alluded to, without leave, ...	....	.....	IV.	
„ Punishment for the putting on board of a vessel any Goods, when a Custom House Officer is not attached to it, ...	....	.....	V.	
„ Punishment for refusing to receive on board one servant of a Custom House Officer, and to provide such Officer and servant with suitable shelter, &c.	....	.....	VI.	
„ No cargo boat laden with Goods, shall make fast to or lie alongside of any vessel without a Custom House permit or order. The Goods in any boat so found, liable to confiscation, ..	....	.....	VII.	
„ A boat note to accompany Goods sent to be landed and passed for importation. Boats containing imported Goods may be detained, and the Goods shall be liable to confiscation, under circumstances stated, ...	....	.....	VIII	
„ Goods brought to be passed for importation or exportation, with the packages in which they may be contained, liable to confiscation, under circumstances stated, ...	....	.....	IX.	
„ Goods liable to be confiscated, if removed, or attempted to be removed, after they have been landed, and before passing through the Custom House, ..	....	.....	X.	
„ Modifying the article of Schedule B. of Act XIV. 1836, which provides				

that

	Year.	Act.	Section.	Clause.
that when Sugar or Rum shall be exported on British bottoms to any British possession, no duty shall be levied, and if on foreign bottoms, a duty of 3 per cent. only. How duties now to be levied are to be credited, ...	1837.	XVI.	XI.	
Duties (Customs)—Goods shipped after Port Clearance, if imported Goods liable to Drawback, such Drawback shall be forfeited, but no separate duty levied, ...	....	.....	XII.	
„ Goods landed at the Custom House may be sold on account of Duties, &c. under circumstances stated, ...	....	.....	XIII.	
„ No payment shall be made of Drawback upon any Goods exported, but under the circumstances stated, ...	....	.....	XIV.	
„ Drawback shall not be allowed upon Goods shipped in certain Dhonies and Native Craft, ...	....	.....	XV.	
„ Power of Board of Customs to fix and alter the rates of wharfage and Godown Rent charges, and to determine the time for which Goods shall be allowed to remain on the wharfs, or in the Godowns free of charge,.....	....	.....	XVI.	
„ Goods brought by Sea, and stowed in bulk, may be weighed on board ship, and duty levied according to the result of such weighing, ...	....	.....	XVII.	
„ Punishment for offering any obstruction to the weighing, ...	....	.....	XVIII.	
„ (Postage)—Exclusive right of conveying letters by post for hire vested in the Governor General of India in Council, ...	....	XVII.	II.	
„ „ Governor General of India in Council, and any authority thereunto empowered, competent to grant a License for so conveying letters, ...	....	.....	III.	
„ Such license may be revoked at pleasure, ...	....	.....	IV.	
„ Punishment for letters conveyed, received, or delivered, as described, ...	....	.....	V.	
„ Inland postage duties shall be levied on the conveyance of letters and packets at the rates specified, and full postage shall be paid on receipt or delivery, and				

	Year.	Act.	Section.	Clause.
no additional charge shall be made for transfers from one Post Office to another, ...	1837.	XVII.	VI.	
Duties(Postage)—*When* any letter or packet exceeding 12 tolas in weight shall not be conveyed by the letter post, ...	....	.....	VII.	
„ *When* letters and packets exceeding 12 tolas, and not exceeding 40 tolas in weight, shall be conveyed by the letter post, the postage chargeable thereon, ...	....	.....	VIII.	
„ Punishment for sending any such packet, as noticed, with a knowledge that it contains any writing not necessarily part of the documents which such packet is stated to contain, ...	....	.....	IX.	
„ Punishment for sending any such packet, as noticed, with a knowledge that it contains any writing other than the direction on the cover, ...	....	.....	X.	
„ Proof sheets may be sent by letter post at the rates and on the conditions specified, ...	....	.....	XI.	
„ A scale of distances to be framed, according to which the rates of inland postage to be calculated, ...	....	.....	XII.	
„ Steam postage shall be levied on letters and packets, and it shall be in excess of inland postage, ...	....	.....	XIII.	
„ Ship postage shall be levied on letters and packets, and not liable to steam postage, ...	....	.....	XIV.	
„ Rule regarding letters and packets brought by Sea on board of any vessel,	....	.....	XV.	
„ Punishment for disobeying any of the directions contained in the preceding Section, ...	....	.....	XVI.	
„ One anna to be paid to the Commander for every letter or packet delilivered by him, ...	....	.....	XVII	
„ Payment to be made to Commanders, whenever any letter or packet is transhipped for transmission to any place alluded to. Proviso, ...	....	.....	XVII	
„ No payment shall be made to any Commander for the delivery of any letter or packet, unless his claim be preferred at either period stated, ...	....	.....	XIX.	

	Year.	Act.	Section.	Clause.
Duties (Postage)—Punishment for not receiving letters and packets, and signing a receipt for them, ...	1837.	XVII.	XX.	
„ *When* the person to whom a letter or packet is delivered shall not be bound to pay the postage, is bound to pay if he opens the same. Proviso, ...	....	.....	XXI.	
„ Letters or packets rejected unopened, to be returned to the sender, who is to pay the return postage, unless direct postage has been paid, ...	....	.....	XXII.	
„ When the sender is unknown, by whom the letter or packet is to be opened, ...	....	.....	XXIII.	
„ A letter or packet may be withheld from any person refusing to pay any postage, which he is legally bound to pay for it, ...	....	.....	XXIV.	
„ Unclaimed letters and packets to be sent to the General Post Office, ...	....	.....	XXV.	
„ *When* lists of such letters and packets shall be published, ...	....	.....	XXVI.	
„ Measures to be adopted when letters and packets may have remained a certain time unclaimed in the General Post Office, ...	....	.....	XXVII.	
„ The persons mentioned may send and receive letters and packets, free of postage. Those sent to be franked as Government may direct, ...	....	.....	XXVIII.	
„ Government competent to grant to other persons the said privilege, on such conditions and under such rules as the Government may direct, ...	....	.....	XXIX.	
„ Course of Post Master General or Post Master, on suspecting that any letter or packet contains any contraband article, or any article on which duty is owing, or any writing in contravention of Sections IX. and X. of this Act, ...	....	.....	XXX.	
„ Government shall not be responsible for loss or damage, nor any person attached to the Post Office Department, unless this person had caused such loss or damage maliciously or fraudulently,	....	.....	XXXI.	
„ Fines may be levied on conviction before any of the authorities noticed. Proviso, ...	....	.....	XXXII.	

	Year.	Act.	Section.	Clause.
Duties (Postage—Punishment for fraudulently appropriating letters or packets, or any thing contained therein, or opening any letter, packet or banghy box,..	1837.	XVII.	XXXIII.	
„ Punishment for fraudulently appropriating money received for postage duty, ...	....	.....	XXXIV.	
„ Punishment for fraudulently putting any wrong mark on any letter or packet, or altering or causing to disappear any mark which is thereon, ...	....	.....	XXXV.	
„ Punishment for fraudulently preparing documents incorrectly, or altering, secreting, or destroying them, ...	....	.....	XXXVI.	
„ Punishment for putting any letter or packet into the wallets, with a view to defraud Government of the Postage duty, ...	....	.....	XXXVII.	
„ Describing the tolah weight, ...	....	.....	XXXVIII.	
„ This Act to have effect from the 1st of October 1837, and no postage duty to be levied on any letter received before that date on the authority of this Act, ...	....	.....	XXXIX.	
Embezzlements—Jurisdiction of Collectors, and of Subordinate Collectors, as also the provisions of Regulations IX. of 1822, and VII. of 1828, Madras Code, extended to cases of embezzlement of public property and of the falsification, destruction or concealment of public papers relating to public property, by persons of the classes described in Cl. 3, Sec. II. Reg. IX. of 1822, ...	....	XXXVI.		
Engagements—See Malgoozars in the Province of Cuttack.				
Europeans—See Sudder Ameens.				
Foreign States in Asia or Africa—Rule regarding the terms and condition on which Goods may be imported into the Territories of the East India Company, or exported thence, in vessels belonging to the subjects of, ...	....	XIV.	I.	
Governor General—During the intermediate period stated, His Lordship shall have all the powers of the, in Council, except the power of making Laws and Regulations, ...	....	XXVI.	I.	

Houses

	Year.	Act.	Section.	Clause.
Houses—Every house and out-house built within the City of Calcutta, after the 1st November 1837, shall be covered with an outer roof of incombustible materials. Punishment for contravention of this provision, ...	1837.	XII.	I.	
„ Lawful for Superintendent of Police to tender to the owner of any existing house or out-house, not so covered, a sum of money to defray the expence of so covering it. Punishment if the money be accepted, and the engagement to so cover the house or out-house within a certain time be not fulfilled, ...	....	.....	II.	
„ Course of the Superintendent if any house or out-house be built in contravention of Sec. I. of this Act, or if any owner of a house or out-house shall refuse to accept the money tendered by the Superintendent, ...	....	.....	III.	
„ Punishment for obstructing the Superintendent, (or any person acting under his authority,) in the exercise of the powers given to him by Section III. of this Act, ...	....	.....	IV.	
„ Fines levied under this Act to be paid into the General Treasury, and how to be applied, ...	....	.....	V.	
Jumma—See Malgoozars in the Province of Cuttack.				
Justices of the Peace for the Town of Calcutta—Lawful for any one of them, to issue a warrant of distress for the recovery of arrears of assessment, ...	....	I.	I.	
Land—Lawful for His Majesty's subjects to hold property in, or in emoluments issued out of, ...	....	IV.	I.	
„ Rules prescribing the manner in which such property may be acquired and held by Natives, extended to the foregoing persons, ...	....	.....	II.	
Language—Government may dispense with the use of the Persian, in any Judicial or Revenue proceedings, and prescribe the language and character to be used therein, ...	....	XXIX.	I.	
„ And also delegate all or any of the powers given to them by this Act to	..	....		

any

	Year.	Act.	Section.	Clause.
any subordinate authority under restrictions alluded to, ...	1837.	XXIX.	II.	
Magistrates—See District Police.				
Malgoozars in the Province of Cuttack, shall be answerable for the Jumma fixed by the terms of the settlement now existing, until a new one shall be completed and confirmed, ...	....	VI.	I.	
„ Lawful for them, under circumstances stated, to relinquish their existing engagements at the expiration of the term for which they have been made, ...	....	.....	II.	
Moonsiffs—See Sudder Ameens.				
Natives of India—None, save those excepted, who makes a contract of service to be performed without the Company's Territories shall embark, in pursuance thereof, on board of any vessel within those Territories, without an order from the Government or a Permit from the Officer mentioned, ...	....	XXXII.	II.	
„ Before such Permit is granted, the contracting parties to appear personally before such Officer, and exhibit a Memorandum of the Contract, ...	...	.....	III.	
„ No Permit shall be granted, except under the circumstances stated, ...	....	.....	IV.	
„ The Officer to examine the contracting parties, touching the terms of the contract, and to explain those terms to the Native, ...	....	.....	V.	
„ And he shall, under the circumstances stated, make, on the back of the Memorandum, a Note to the effect mentioned, which Note shall be a Permit, and the Memorandum shall be delivered to the Native, ...	.. .	.....	VI.	
„ Measures to be adopted, if application is made for Permits, authorizing more than twenty Natives to embark on board of any one vessel, ...	....	.....	VII.	
„ Permits shall not be granted authorizing more than twenty Natives to embark on board of any one vessel, except under the circumstances stated, ...	....	.....	VIII.	
„ A Register to be kept of all Natives to whom Permits shall be granted, of the				

parties

	Year.	Act.	Section.	Clause.
parties with whom contracts are made or of their Agent, and of Masters of vessels on which Natives are permitted to embark, ...	1837.	XXXII.	IX.	
Natives of India—Authorizing a fee of one rupee for every Permit, ...	....	.....	X.	
„ Punishment for suffering any Native to embark in pursuance of such contract, without an Order or a Permit, ...	....	.....	XI.	
„ This Act not applicable to Native Seamen or Menial Servants, referred to, ...	....	.....	XII.	
Oaths may be dispensed with by the Authorities mentioned, ...	....	XXI.	I.	
„ To what oath this dispensing power does not extend, ...	....	.....	II.	
„ A written declaration substituted for an Oath, when dispensed with, ...	....	.....	III.	
„ Punishment for knowingly stating an untruth in any declaration, ...	....	.....	IV.	
Officers, (Ministerial)—See Sudder Ameens.				
Parsees—Quieting the possession of Estates acquired by, in the way of succession; and fixing the law by which the succession either by inheritance or testamentary disposition, is to be regulated in future, ...	....	IX.		
Perjury—Madras Government declared competent to vest Principal Sudder Ameens at Stations where Jail Deliveries are held with the powers of commitment exercised by Criminal Judges under Section III. Regulation VIII. of 1829, Madras Code, ...	....	XXIII.		
Political Offences—Special Courts at Bombay for the trial of such Offences shall forward their proceedings to the Foujdary Adawlut who shall report their sentence to the local Government and wait its orders before carrying the same into execution, ...	....	XXXVII.		
Public Property and Public Records—See Embezzlements.				
Regulations IX. of 1830 and XI. of 1831, Bombay Code, repealed, ...	....	II.	I.	
„ I. and IX. of 1830, passed by the Government of Prince of Wales Island, Singapore and Malacca, repealed, ...	....	X.	I.	

	Year.	Act.	Section.	Clause.
Regulation I. of 1831, Bengal Code, repealed,	1837.	X.	I.	
„ I. of 1820, Articles 1 and 2 Bombay Code, repealed, ...	....	XI.		
„ XXII. of 1827—Section IX. Bombay Code, ...	....	XIII.		
See Courts Martial.				
„ XV. 1817, of the Bengal Code, repealed, ...	....	XVI.	I.	
„ IX. 1810, Section LI. of the Bengal Code, modified, ...	....	....	XVI.	
„ XI. 1830, of the Bombay Code, repealed, ...	....	XVII.	I.	
„ XV. of 1803, Section VIII. Clause 5, Madras Code, ...	....	XXII.	V.	
See Revenue.				
„ VIII. of 1829, Section III. Madras Code, ...	....	XXIII.		
See Perjury.				
„ V. 1831, Section XVIII. of the Bengal Code, modified, ...	....	XXV.	I.	
Regulations VII. 1822, Clause Second, Section XXXI. and Section XIX. Regulation VIII. 1831 (parts of) of the Bengal Code, repealed, ...	....	.....	II.	
Regulation VII. 1832, Clause Second, Section II. repealed, ...	....	.....	IX.	
„ V. 1831, Clause First, Section XXV. of the Bengal Code, repealed, ...	....	.....	X.	
„ X. 1829 Section VII. (a part) of the Bengal Code, repealed, ...	....	XXVIII.	I.	
„ XI. of 1816, Section XL. Madras Code,	....	XXX.		
See Ameens of Police.				
„ IV. of 1821, Section IV. Clauses 2 and 3, Madras Code, ...	....	XXXIII.	I.	
See District Police.				
„ VIII. of 1827, Section VI. Madras Code, repealed, ...	....	XXXIV.	I.	
„ III. of 1802, Section XXVII. Madras Code,.....	....	XXXV.	III.	
See Decrees.				
Regulations IX. of 1822 and VII. of 1828, Madras Code, ...	....	XXXVI.		
See Embezzlements.				
Regulation XIII. of 1827, Section XXVI. Bombay Code, repealed in part, ...	....	XXXVII.	I.	
See Political Offences.				
„ XIX. 1810, Section IX. of the Bengal Code, modified, ...	....	XXXVIII.	I.	

	Year.	Act.	Section.	Clause.
Revenue—Jurisdiction exercised by the Criminal Judge and Magistrate of Chingleput in respect of Offences committed within the Madras Collectorate against the Revenue Regulations, transferred to the Superintendant of Police and his Deputies, ...	1837.	XXII.	I & II.	
„ Superintendant and his Deputies in the exercise of this jurisdiction made immediately subject to the orders of the Sudder Fouzdary Court, ...	....	.....	III.	
„ Superintendant and his Deputies may commit to any Jail within the Madras Collectorate, ...	....	.....	IV.	
„ Clause 5, Section VIII. Regulation XV. of 1803, Madras Code, declared applicable to all convicts sentenced to imprisonment by the Superintendant and his Deputies under this Act, ...	....	.....	V.	
Salt—Levying a duty of 8 Annas per Maund on, manufactured within the Bombay Presidency, ...	....	XXVII.	I.	
„ No person to manufacture, without giving notice to the Collector of the District in which the place of manufacture may be situated. Particulars to be stated in the notice, ...	....	.....	II.	
„ Collector on receiving notice, to depute an Officer to be stationed for such time as may be considered necessary at every such place of manufacture, ...	....	....	III.	
„ Powers of such Officer, ...	....	.....	IV.	
„ On duty being paid in the District where Salt is produced, Collector shall grant a receipt according to form annexed, ...	....	.....	V.	
„ Such receipt to be delivered to the Officer stationed at the Salt works. When received back, the receipt shall be a pass authorizing the removal of the Salt, ...	....	.....	VI.	
„ Local Government authorized to establish Chokees near to Salt works and to invest the Officers stationed at such Chokees with powers of search, &c., ...	....	.....	VII.	
„ Collector of a District may order the destruction of a Salt work, if erected therein contrary to the provision of Section II.	....	.....	VIII.	

Salt—

	Year.	Act.	Section.	Clause.
Salt—Collector may confiscate Salt removed otherwise than in conformity with the foregoing rules, or which may be found clandestinely stored with a view of evading duty, ...	1837.	XXVII.	IX.	
„ Penalty for the manufacture of Salt without notice, for the removal of Salt otherwise than in conformity with the provisions of the Act, or for counterfeiting Collector's mark on Salt in store,	....	.....	X.	
„ Penalty for obstructing Officers in the exercise of their powers, ...	....	.....	XI.	
„ Penalty for an Officer taking bribe,	....	.....	XII.	
„ Penalty for an Officer practising, or attempting, fraud on the Revenue, ...	....	.....	XIII.	
„ Local Government authorized to transfer the superintendence of the Salt Revenue of any District from the Collector to any other Functionary. Whenever such transfer shall take place, the provisions of this Act which apply to such Collector shall be applicable to such Functionary, ...	....	.....	XIV.	
Session Judges—See Superintendents of Police.				
Settlements, Eastern—Appointment of a Commissioner to decide upon claims to hold lands within any of them, ...	....	X.	II.	
„ Commissioner to call for, and decree, cases pending before the Resident Councillor, Collector, or Superintendent of Land Revenue, ...	....	.....	III.	
„ Commissioner to cause a survey or measurement to be made of any land in any of the Settlements, and to summon and examine upon Oath any person in regard to any land, ...	....	.....	IV.	
„ Commissioner competent to declare any land held in excess of registered grant liable to separate Assessment,	....	.....	V.	
„ In regard to lands not registered but to which the claim of any party may be established before him, the Commissioner's decree assigning it on conditions and terms which may be prescribed for his guidance, shall constitute good title,	....	.....	VI.	
„ Notice to be served by the Commissioner when requiring the attendance of				

any

	Year.	Act.	Section.	Clause.
any person, or the production of any document, ...	1837.	X.	VII.	
Settlements, Eastern—Penalty if any person disobey the Commissioner's summons, or refuse to answer any lawful question put by him, ...	....	.....	VIII.	
„ Penalty in case of resistance to Commissioner or to any person employed by him, ...	....	.....	IX.	
„ What shall constitute the guilt of perjury before the Commissioner, ...	....	.....	X.	
„ Commissioner's decree altering or affecting possession of land to be final,	....	.....	XI.	
„ Parties may however appeal within six weeks to the Court of Judicature on question of law, ...	....	.....	XII.	
„ Court of Judicature shall not decide except when the Recorder is sitting in Court, ...	....	.....	XIII.	
„ Pending appeal, the decree of the Commissioner shall not be executed. No decree of the Commissioner to be executed until after six weeks from the date of decree, ...	....	.....	XIV.	
„ If no appeal be preferred, the Commissioner's decree to be executed in the same manner as the decrees of the Recorder's Court. All public Officers to be assisting in the execution, ...	....	.....	XV.	
„ Commissioner to be guided by instructions from the Government of Bengal,....	....	.....	XVI.	
„ Fixing the Law by which the succession to immovable property either by inheritance or testamentary disposition is to be regulated in future, and giving it retrospective effect, ...	....	XX.	I. & II.	
„ Proviso in respect to property so acquired and sold, ...	....	.....	III.	
Stamp—Management of duties may be transferred to other than a Covenanted Officer,	....	XXVIII.	I.	
Sudder Dewanny Adawlut—Lawful for the Courts of, to direct the transfer of the cognizance of original suits or appeals from one Zillah or City Court to another,	....	III.	I.	
„ Reasons for such transfer to be recorded,	...	.....	II.	
Sudder Ameens—No Zillah or City Judge precluded, by reason of the amount or				

value

	Year.	Act.	Section.	Clause.
value of the property for the recovery of which a suit is instituted, from referring it to any Principal Sudder Ameen, ...	1837.	XXV.	I.	
Sudder Ameens—Every Zillah or City Judge may refer for trial and decision any original suit preferred under Clause First, Section XXX. Regulation II. 1819, Bengal Code, to a Principal Sudder Ameen,	....	.....	III.	
„ Appeals from the decision of Principal, in certain suits, as well as applications for a review of judgment on such decision shall be preferred directly to the Sudder Dewanny Adawlut, and how to be conducted, ...	....	.....	IV.	
„ Whenever a Zillah or City Judge shall refer for trial to a Principal Sudder Ameen or Sudder Ameen, a suit within the competency of a Moonsiff to decide, to what rules in regard to Stamp duties and appeal it shall be subject, ...	....	.....	V.	
„ If decided by a Principal, appeal triable only by the Judge, ...	....	.....	VI.	
„ Whenever a Zillah or City Judge shall refer for trial to a Principal Sudder Ameen a suit within the competency of a Sudder Ameen to decide, to what rules in regard to Stamp duties and appeal it shall be subject, ...	....	.....	VII.	
„ The Courts of Sudder Dewanny Adawlut may authorize any Zillah or City Judge to transfer to a Principal Sudder Ameen certain civil proceedings which shall be disposed of by him according to the rules stated—Proviso in regard to appeals, ...	....	....	VIII	
„ Appeals from the orders or decisions of a Principal Sudder Ameen to a Zillah or City Judge shall not be received unless preferred within the limit prescribed, except under the circumstance stated, ...	....	.....	IX.	
„ Clause Second, Section XXV. Regulation V. 1831, extended to Ministerial Officers of the Moonsiff's Courts,	.....	....	XI.	
„ Those of the Courts of Moonsiffs, Sudder Ameens, and Principal Sudder Ameens, shall be nominated and appointed by those Courts, subject to the control				

of the

	Year.	Act.	Section.	Clause.
of the Zillah and City Judges and Sudder Dewanny Adawlut, ...	1837.	XXV.	XII	
Sudder Ameens, Principal—See Perjury.				
„ To try criminal cases in which any person may be concerned,....	....	XXXIV.	I.	
„ Europeans and Americans not to be tried by them, but by Criminal Judges,	....	.....	II.	
Superintendent of Police at Madras—See Revenue.				
Superintendent of Police—Authorizing the appointment of, ...	....	XXIV.	I.	
„ When one is appointed, certain parts of Section VII. Regulation I. 1829, shall cease to have effect within his jurisdiction. By what rules he is to be guided in the execution of his duties, ...	....	.....	II.	
„ When one is appointed for any jurisdiction, Section III. Regulation IX. 1831, Bengal Code, shall cease to have effect within it, ...	....	.....	III.	
„ Powers of, in regard to the appointment, suspension and removal of any Ministerial or Police Officer subordinate to any Magistrate or Joint Magistrate;	....	.....	IV.	
„ When a Session Judge shall receive and try any appeal from any order of a Magistrate or Joint Magistrate—Proviso, ...	....	.....	V.	
„ The decision of a Session Judge, and the orders of the, alluded to, shall not be open to revision by the Nizamut Adawlut, ...	....	.....	VI.	
„ When a Session Judge shall possess a control and superintendence over Jails and the Officers thereof, ...	....	.....	VII.	
„ When shall be appointed and the rest of this Act come into operation,....	....	.....	VII	
Tax—Lawful for Magistrates and Joint Magistrates to appropriate a portion of the, levied under Regulation XXII. 1816, of the Bengal Code, to the cleansing and repairing of Towns,..	....	XV.	I.	
„ The Punchaite appointed by the Sunnud referred to, competent to fix the rate of Assessment to be levied from the proprietor or principal occupier				

of

	Year.	Act.	Section.	Clause.
of any shop or habitation at two Company's Rupees per mensem, ...	1837.	XV.	II.	
Tax—No person shall by reason of place of birth or descent be exempted from the payment of any assessment under Regulation XXII. 1816, of the Bengal Code or this Act, ...	....	.....	III.	
Thuggee—Any person charged with murder by, or having belonged to a gang of Thugs, may be committed by any Magistrate or Joint Magistrate for trial before any competent Criminal Court, ...	....	XVIII.	I.	
Toll—Fixing the rates of, to be paid at the Toll Gate of the Bhore Ghât on Vehicles and Animals going and returning,..	....	II.	II.	
„ Local Government to appoint persons for the collection of, who shall be subject to the same responsibility as if they were employed in the collection of Land Revenue,....	....	....	III.	
„ Property to be stopped in case of non-payment of Toll—Police to assist when required,....	....	.....	IV.	
„ If after 24 hours detention of property, the Toll remain unpaid, such property to be sold, and a fine, if necessary, imposed on contumacious refusers, ...	....	.....	V.	
„ Owner of property to possess the right of action in the Civil Court of the Zillah, ...	....	.....	VI.	
„ Local Government may grant exemption from payment of toll or may farm out the toll, ...	....	.....	VII.	
Towns—See Tax.				
Transfers—See Sudder Dewanny Adawlut.				
Witnesses—No person convicted of any offence, shall be incompetent to be a witness in any Civil or Criminal cause,....	....	XIX.	I.	

G. H. Huttmann, Bengal Military Orphan Press.

ACT NO. I. OF 1838.

Passed by the Hon'ble the President of the Council of India in Council, on the 3rd January, 1838.

I. IT is hereby enacted, that from the 1st February, 1838, all Regulations of the Bombay Code passed before the year 1827, and now in force, with the exception of Sections I., II. and III., Regulation VI., 1799, and of Clause 2, Section VII., Regulation IX., 1800, and of Sections XIV., XVII., XX., XXI., and XXV., Regulation I. of 1805, and of the whole of Regulations II., 1810, and VI., 1814, shall be repealed.

II. And it is hereby enacted, that Chapters I., II., IV., VI., VIII. and IX. of Regulation XX., 1827 of the said Code, together with the Appendices A, B, C, E, H, I, J, K, of that Regulation, also Regulation II., 1831, Regulation XIII., 1831, Regulation I., 1832, Regulation IV., 1833 and Regulation IV., 1834., of the said Code, and all such parts of any Regulations of the said Code as prescribe the levy of Transit or Inland Customs duties, or as require the payment of any fee whatever on account of any vessel which may enter any port in the territories subject to the Bombay Presidency, and likewise the provisions of any kind contained in those or in any other Regulations, for fixing the amount of duty to be levied on Goods imported or exported by sea at any place within the limits of the Bombay Presidency, or the drawback payable on the same, shall be repealed. And it is further enacted, that Act No. II. of 1836 shall likewise be repealed, except in so far as it repeals any Regulation of the Bombay Code.

III. Provided always, that nothing contained in the two preceding Sections of this Act shall be construed to prevent the levy of any Town Duty, or of any municipal tax, or of any toll on any bridge, road, canal, or causeway; for repair and maintenance of the same; or of any fee for the erection and maintenance of light houses.

IV. And it is hereby enacted, that duties of Customs shall be levied on Goods imported by sea into any place in the territories subordinate to the Government of the Presidency of Bombay, after the said 1st February next, according to the rates specified in Schedule A annexed to this Act, and with the exceptions specified therein, and the said Schedule with the Notes attached thereto shall be taken to be a part of this Act.

V. And it is hereby further enacted, that duties of Customs shall be levied upon Country Goods exported by sea from any ports of the Bombay Presidency after the said 1st February next, according to the rates specified, in Schedule B annexed to this Act, with the exceptions therein specified, and the said Schedule with the Notes attached thereto shall also be taken to be a part of this Act.

VI. Provided however, that the ships of any European Nation having firman privileges in the port of Surat, shall not be subject to further duties of import or export than may be prescribed by their firmans respectively, any thing in the Schedules or in this Act notwithstanding.

VII. And it is hereby enacted, that Duties of Customs shall be levied on Goods passing by land into, or out of Foreign European Settlements, situated on the line of Coast within the limits of the Presidency of Bombay, at the rates prescribed in the Schedules of this Act, for Goods imported, or exported on Foreign bottoms at any British port in that Presidency.

VIII. And it is hereby enacted, that it shall be lawful for the Governor in Council of the Presidency of Bombay to declare by notice to be published in the Gazette of that Presidency, that the territory of any Native Chief, not subject to the jurisdiction of the Courts and Civil Authorities of that Presidency, shall be deemed to be Foreign Territory, and to declare Goods passing into, or out of such territory liable either to the duty fixed for British or for Foreign bottoms, as the said Governor in Council may think fit.

IX. And it is hereby enacted, that for the levy of duties of customs as above provided on Goods exported by land to, or imported by land from, such Foreign territories, Customs Chokees may be established at such places as may be determined by the said Governor in Council, and every Officer at every such Chokee shall have power to detain Goods passing into or out of any such Foreign territory, and to examine and ascertain the quantities and kinds thereof; and such Goods shall not be allowed to pass across the frontier line out of, or into the Territory of the East India Company, until the owner or person in charge thereof shall produce and deliver a certificate, shewing that the Customs duty leviable thereupon has been paid in full.

X. And it is hereby enacted, that it shall be lawful for the said Governor in Council, to appoint such Officers as he may think fit to receive money on account of Customs duties, and grant certificates of the payment thereof, and that such a certificate being delivered to any Chokee Officer shall entitle Goods to cross the frontier into or out of the East India Company's territories, provided that the Goods correspond in description with the specification thereof contained in such certificate, and that the certificate shew the entire amount of duty leviable on those Goods to have been duly paid; and if upon examination the Goods brought to any Chokee be found not to correspond with the specification entered in the certificate presented with the same, the difference shall be noted on the face of the certificate, and if the payment of duty certified therein shall not cover the entire amount of duty leviable on the Goods as ascertained at such examination, the Goods shall be detained until a further certificate for the difference shall be produced.

XI. And it is hereby enacted, that the said Governor in Council, shall give public notice in the Official Gazette of the Presidency of Bombay, of the appointment of every Officer appointed to receive Customs duties on Goods crossing the land frontier of the said Foreign territories, and the Officers so appointed shall, on receipt of money tendered as Customs duty, be bound to give to any merchant or other person applying for the same, a certificate of payment, and to enter therein the specification of Goods with the values and description thereof, according to the statement furnished by the person so applying, provided only, that the proper duty leviable thereupon, according to the descriptions and values stated, be covered by the payment made.

XII. And it is hereby enacted, that no certificate shall be received at any Chokee that shall bear date more than thirty days before the date when the Goods arrive at the Chokee. Provided however, that any person who has taken out a certificate from any authorized receiver of Customs duties, shall at any time within the said period of thirty days, on satisfying such receiver that such certificate has not been used, and on delivering up the original, be entitled to receive a renewed certificate, with a fresh date, without further payment of duty.

XIII. And it is hereby enacted, that it shall be lawful for the said Governor in Council to prescribe by public notice in the Official Gazette of the Presidency of Bombay, by what routes Goods shall be allowed to pass into, or out of any such Foreign territory, as is described in Sections VII. and VIII. of this Act; and after such notice shall be given, Goods which may be brought to any Chokee established on other routes or passes than those so prescribed, shall, if provided with a certificate, be sent back, and if not provided with a certificate, shall be detained, and shall be liable to confiscation by the Collector of Customs, unless the person in charge thereof shall be able to satisfy the said Collector that his carrying them by that route was from ignorance or accident.

XIV. And it is hereby enacted, that Goods which may be passed, or which an attempt may be made to pass across any frontier guarded by Chokees between sunset and sunrise, or in a clandestine manner, shall be seized and confiscated.

XV. And it is hereby enacted, that any Chokee Officer who shall permit Goods to pass across the frontier when not covered by a sufficient certificate, or who shall permit Goods to pass by any prohibited route, shall be liable, on conviction before the Collector of Customs, to imprisonment for a term not exceeding six months, and to a fine not exceeding five hundred Rupees, commutable, if not paid, to imprisonment for a further period of six months.

XVI. And it is hereby enacted, that if any Chokee Officer shall needlessly and vexatiously injure Goods under the pretence of examination, or in the course of his examination, or who shall wrongfully detain Goods for which there shall be produced a sufficient certificate, such Officer shall, on conviction before the Collector of Customs, or before any Magistrate, or Joint Magistrate, be liable to imprisonment for a term not exceeding six months, and to fine not exceeding five hundred Rupees, commutable if not paid, to imprisonment for a further period of six months.

XVII. And it is hereby enacted, that all Goods imported by Sea into any port of the Presidency of Bombay from any Foreign European Settlement in India, or from any Native State, the inland trade of which has been declared by the Governor in Council of the Presidency of Bombay, under Section VIII. of this Regulation, to be subject to the duties levied on Foreign bottoms, shall be liable to the same duties as are imposed by Schedule A, on imports on Foreign bottoms.

XVIII. And it is hereby enacted, that no Goods whatsoever entered in either of the Schedules of this Act, as liable to duty, shall be exempted from the payment of such duty or of any part thereof, except under special order from the Governor in Council of the Presidency of Bombay. Provided always, that it shall and may be lawful for the Collector of Customs, or other Officer in charge of a Custom House, to pass free of duty any baggage, in actual use at his discretion; and if any person shall apply to have Goods passed as such baggage, the Collector, acting under the orders of the Government, shall determine whether they be baggage in actual use, or Goods subject to duty under the provisions of this Act.

XIX. Provided always, that when Goods are imported at any port of the Bombay Presidency from any other port in that Presidency under certificate, that the export duty specified in Schedule B has been duly paid thereon, or that there has been a re-export, and that the import duty specified in Schedule A, has been duly paid, the said Goods shall be admitted to free entry.

XX. Provided also, that when duties of Customs shall have been paid on any Goods, at any port, in any part of the territories of the East India Company not subject to the Presidency of Bombay, and when such Goods shall subsequently be imported at any port of the Presidency of Bombay, credit shall be given at such last mentioned port for the sum that may be proved by the production of due certificates to have been so paid.

XXI. And it is hereby enacted, that it shall be lawful for the Governor in Council of the Presidency of Bombay, from time to time, by notice in the Official Gazette of that Presidency, to fix a value for any article or number of articles liable to *ad valorem* duty, and the value so fixed for such articles shall, till altered by a similar notice, be taken to be the value of such articles for the purpose of levying duty on the same.

XXII. And it is hereby enacted, that when Goods liable to duty, for which a value has not been fixed by such a notice as is above directed, or for which a fixed duty has not been declared by the Schedules annexed to this Act, are brought to any Custom House in the Presidency of Bombay, for the purpose of being passed for importation, or exportation, the duty leviable on such Goods shall be levied *ad valorem*, that is to say, according to the market value of such Goods at the place and time of importation or exportation, as the case may be.

XXIII. And it is hereby enacted, that the market value for assessment of duties on *ad valorem* Goods shall be declared by the owner, consignee, or exporter, or by the agent or factor for any of these respectively, upon the face of the application to be given in by him in writing for the passing of the Goods through the Custom House; and the value so declared shall include the packages or materials in which the

Goods are contained, and the application shall truly set forth the name of the ship in which the Goods have been imported or are to be exported, the name of the Master of the said ship, the colours under which the said ship sails, the number, description, marks, and contents of the packages, and the country in which the Goods were produced.

XXIV. And it is hereby enacted, that every such declaration, when duly signed, shall be submitted to the Officer of Customs appointed to appraise Goods at the Custom House, and if it shall appear to him that the same is correct, he shall countersign it as admitted; but if any part, or the whole of the Goods shall seem to him to be undervalued in such declaration, he shall report the same to the Collector of Customs who shall have power to take the Goods or any part thereof as purchased for the Government at the price so declared; and whenever the Collector of Customs shall so take Goods for the Government, payment thereof shall be made to the consignee or importer, if the Goods be imported Goods, within fifteen days from the date of the declaration, the amount of import duty leviable thereon being first deducted, and if the Goods be intended for exportation, the entire value as declared shall be paid without deduction on account of Customs duty.

XXV. And it is hereby enacted, that it shall be lawful for the Governor in Council of the Presidency of Bombay to declare by public notice in the Official Gazette of that Presidency, what places within the same shall be ports for the landing and shipment of merchandise, and any Goods that may be landed, or which an attempt may be made to land, at any other port than such as shall be so declared, shall be seized and confiscated.

XXVI. And it is hereby enacted, that when any vessel shall arrive in any port of the Presidency of Bombay, the Master shall deliver a true manifest of the cargo on board, made out according to the form annexed to this Act and marked C, to the first person duly empowered to receive such manifest that may come on board, and if no such person shall have come on board before the anchor of the said vessel is dropped, then the manifest shall be forwarded to land on board of the first boat that leaves the vessel after dropping anchor, and if the port be up a river or at a distance from the land first made, then it shall be lawful for the said Governor in Council, by an order published in the Official Gazette of the Presidency, to fix a place in any such river or port beyond which place it shall not be lawful for any inward bound vessel, except such Country craft as are described is Sections LI. and LII. of this Act, to pass until the Master shall have forwarded in such manner as may be ordered by the said Governor in Council, such a manifest as is required by this Act.

XXVII. And it is hereby enacted, that if the manifest so delivered by the Master shall not contain a full and true specification of all the Goods imported in the vessel, the said Master shall be liable to a fine of one thousand Rupees, and any Goods or Packages that may be found on board in excess of the manifest so delivered, or differing in quality or kind, or in marks and numbers, from the specification contained therein, shall be liable to be seized by any Customs Officer and confiscated, or to be charged with such increased duties as may be determined by the Collector of Customs under the orders of Government.

XXVIII. And it is hereby enacted, that if any inward bound vessel shall remain outside or below the place that may be fixed by the said Governor in Council for the first delivery of manifests, the Master shall deliver a manifest as herein before prescribed, to the first person duly empowered to receive such manifest that may come on board, and if any vessel entering a port for which there is a Custom House established; shall lie at anchor therein for the space of twenty-four hours, the Master whereof shall refuse to deliver the said manifest in the manner above prescribed, he shall for such refusal be liable to fine not exceeding one thousand Rupees, and no entry or port clearance shall be given for such vessel until the fine is paid.

XXIX. And it is hereby enacted, that no vessel shall be allowed to break bulk until a manifest as required by this Act, and another copy thereof to be presented at the time of applying for entry inwards, if so required by the Collector of Customs, shall have been received by the said Collector, nor until order shall have been given by the said Collector for the discharge of the cargo; and that the said Collector may fur-

ther refuse to give such order if he shall see fit until any port clearances, cocketts or other papers, known to be granted at the places from which the vessel is stated to have come, shall likewise be delivered to him.

XXX. And it is hereby enacted, that no Goods shall be allowed to leave any vessel or to be put on board thereof until entry of the vessel shall have been duly made in the Custom House of the port, and until order shall have been given for discharge of the cargo thereof as above provided, and it shall be the duty of every Customs Officer to seize as contraband, any Goods which have been removed or put on board of any vessel in contravention of the above provision, or which any attempt shall have been made to remove from, or to put on board of, any vessel in contravention of the above provision. And after entry of the vessel at the Custom House in due form, such part of the cargo as may not be declared for re-exportation in the same vessel, shall be sent to land, and export cargo shall be laden on board according to the forms and rules that may be prescribed for the port by this Act, or by order of the Governor in Council of the Presidency of Bombay, and if an attempt be made to land or put on board Goods or Merchandize in contravention of the forms and rules so prescribed, the Goods shall be liable to seizure and confiscation.

XXXI. And it is hereby enacted, that if Goods entered in the manifest of a vessel shall not be found on board that vessel, or if the quantity found be short and the deficiency be not duly accounted for, or if Goods sent out of the vessel be not landed at the Custom House, or at such other place as the Collector of Customs shall have prescribed, the Master shall be liable to a penalty not exceeding five hundred Rupees for every missing or deficient package of unknown value, and for twice the amount of duty chargeable on the Goods deficient and unaccounted for, if the duty can be ascertained. Provided however, that nothing herein contained shall be construed to prevent the Collector of Customs from permitting, at his discretion, the Master of any vessel to amend obvious errors, or to supply omissions from accident or inadvertance, by furnishing an amended or supplemental manifest.

XXXII. And it is hereby enacted, that there shall in every port of the Bombay Presidency be one or more places appointed for the landing and shipment of Goods, and Goods shall not be landed at any other place without the special order in writing of the Collector of Customs for the port, and if any Goods be landed, or an attempt be made to land any Goods at any other than the said authorized places, without such order, they shall be seized and confiscated.

XXXIII. And it is hereby enacted, that if the Governor in Council shall see fit, for the security of Customs at any port, to maintain special establishments of boats for the landing and shipping of merchandize, or to license and register the cargo boats plying in any ports, then after due notification thereof, it shall not be lawful for any person to convey Goods to or from any vessel in such port, otherwise than in the boats so authorized and prescribed, except under special permit from the Collector of Customs at the port, and any Goods that may be found on board of other boats than those so authorized for the port, shall be liable to be seized by any Officer of Customs and shall be liable to confiscation.

XXXIV. And it is hereby enacted, that when the Governor in Council of the Presidency of Bombay shall see fit to maintain at any port an establishment of Officers to be sent on board of vessels to watch their unlading and lading; then, after due notification shall have been given that such establishment is so maintained at any port, the Collector of Customs at that port shall have power at his discretion to send one or more Officers of such establishment to remain on board of any vessel in such port by night and by day, until the vessel shall leave the port, or it shall be otherwise ordered by the Collector.

XXXV. And it is hereby enacted, that any Master of such vessel at such port who shall refuse to receive such Officer with one servant on board, when such Officer shall be so deputed as above provided, or shall not afford such Officer and such servant suitable shelter and sleeping accommodation while on board, and likewise furnish them with a due allowance of fresh water if necessary, and with the means of cooking on board, shall be liable to fine not exceeding the sum of one hundred Rupees for each day during which such Officer and servant shall not be received and provided with suitable shelter and accommodation.

XXXVI. And it is hereby enacted, that whenever a Collector of Customs shall see cause to direct that any vessel shall be searched, he shall issue his warrant or written order for such search addressed to any Officer under his authority, and upon production of such order the Officer bearing it shall be competent to require any cabins, lockers, or bulk-heads to be opened in his presence, and if they be not opened upon his requisition to break the same open, and any Goods that may be found concealed, and that shall not be duly accounted for to the satisfaction of the Collector of Customs shall be liable to confiscation, and any Master or person in charge of a vessel, who shall resist such Officer or refuse to allow the vessel to be searched when so ordered by the Collector of Customs, shall be liable, upon conviction for every such offence to a fine of one thousand Rupees.

XXXVII. And it is hereby enacted, that every Master of a vessel who shall remove from such vessel or put on board thereof any Goods, or cause or suffer any Goods to be removed from thence or put on board thereof between sunset and sunrise, or on any day when the Custom House is closed for business, without leave in writing obtained from the Collector of Customs, shall be punished with a fine not exceeding five hundred Rupees.

XXXVIII. And it is hereby enacted, that no cargo boat laden with Goods intended for exportation by sea shall make fast to, or lie alongside of, any vessel on board of which there shall be a Customs Officer stationed unless there shall be on board the boat, or have been received by the said Customs Officer, a Custom House permit or order for the shipment of the Goods, and the Goods on board of any boat that may so be alongside or be made fast to a vessel, if such Goods be not covered by a Custom House pass accompanying them, or previously received by the Customs Officer on board the said vessel, shall be liable to confiscation.

XXXIX. And it is hereby enacted, that when Goods shall be sent from on board of any vessel having a Customs Officer on board, for the purpose of being landed and passed for importation, there shall be sent with each boat load or other separate despatch a boat note, specifying the number of packages, and the marks and numbers or other description thereof, and such boat note shall be signed by an Officer of the vessel, and likewise by the Customs Officer on board, and if any imported Goods be found in a boat proceeding to land from such a vessel without a boat note, or if being accompanied by a boat note they be found out of the proper track between the ship and the proper place of landing, the boat containing such Goods may be detained by any Officer of Customs duly authorized by the Collector, and unless the cause of deviation be explained to the satisfaction of the Collector of Customs, the Goods shall be liable to confiscation.

XL. And it is hereby enacted, that when Goods shall be brought to be passed through the Custom House either for importation or exportation by sea, if the packages in which the same may be contained shall be found not to correspond with the description of them given in the application for passing them through the Custom House, or if the contents thereof be found not to have been correctly described in regard to sort, quality, or quantity, or if any Goods not stated in the application be found concealed in or mixed up with the specified articles, all such packages with the whole of the Goods contained therein, shall be liable to confiscation.

XLI. And it is hereby enacted, that if any person, after Goods have been landed, and before they have been passed through the Custom House, removes or attempts to remove them with the intention of defrauding the revenue, the Goods shall be liable to confiscation, unless it shall be proved to the satisfaction of the Collector of Customs that the removal was not sanctioned by the owner, or by any person having an interest in, or power over the Goods.

XLII. And it is hereby enacted, that it shall be lawful for the Collector of Customs, whenever he shall see fit, to require that Goods brought by sea and stowed in bulk shall be weighed or measured on board ship before being sent to land, and to levy duty according to the result of such weighing or measurement.

XLIII. And it is hereby enacted, that on application by the exporter of any Salt that has paid the Excise duty fixed by Act No. XXVII. of 1837, a certificate shall be granted by the Collector of Customs at the place of export, under authority of which certificate the quantity of Salt specified therein shall be landed at any other port of

the said Presidency of Bombay, and shall be passed from such port into the interior without the levy of any further duty either of Excise or of Customs.

XLIV. And it is hereby enacted, that when a Customs Officer shall be sent o board of any vessel to superintend the delivery of cargo, twenty days, exclusive o Sundays and Holidays, shall be allowed for the discharge of the import cargo of ves sels not exceeding six hundred tons burthen, and thirty days, exclusive of Sunday and Holidays, for the discharge of the import cargo of vessels exceeding that burthen and the said periods shall be calculated from the day when the Customs Officer firs went on board. And if the whole cargo be not discharged by the expiration of the abovementioned periods, the Master shall be charged with the wages of such O ficer, and other expenses for any further period that such Officer may be detained on board. And if the owners, importers, or consignees do not bring their Goods to land within the periods above fixed, it shall be the duty of the Master so to do.

XLV. And it is hereby enacted, that when there shall be no Customs Officer sent aboard vessels discharging cargo, it shall be lawful for the Collector of Customs to fix a period, not being less than twenty days, for the discharge thereof and clearance of the vessel inwards; and if any Goods remain on board after the time so fixed; or after the time allowed in the last preceding Section of this Act, the Collector may order the same to be landed and warehoused for the security of the duties chargeable thereon, and of any freight and primage and other demands that may be due thereon, giving his receipt to the Master for the same. Provided always, that in all cases it shall be lawful for the Collector or other Officer in charge of the Custom House, with the consent of the Master of the vessel, to cause any packages to be brough on shore and to be deposited in the Government Warehouses for the security of the duties and charges thereon, although twenty days may not have expired from the entry of such vessel; and in case any Goods brought to land from any vessel be not claimed and cleared from the Custom House within three months from the date o entry of the ship in which such Goods were imported, it shall be competent to the Collector to sell the same on account of the duties and other charges due thereon, and the balance remaining after deducting the said duties and charges shall be held in deposit and paid to the owner on application.

XLVI. And it is hereby enacted, that when a Customs Officer shall be sent on board of any vessel discharging cargo, a further period of fifteen days, Sundays and Holidays excluded, beyond the twenty days above specified, shall be allowed fo putting on board export cargo if the vessel shall not exceed six hundred tons burthen and twenty days if it exceeds that burthen, when the lading and unlading thereo shall be continuous, and the Master or Commander shall in such case not be charged with the wages and expenses of the Customs Officer on board until after the expiration of such additional period; and if a vessel having discharged its import cargo shall be laid up, the Customs Officer on board shall certify that no Goods remain on board except necessary stores and articles for use, and when a vessel so laid up shall be entered at the Custom House for receipt of export cargo a Customs Officer shall be sent on board, and if the said last mentioned Officer shall certify that no Goods are on board except as above excepted, twenty days, exclusive of Sundays and Holidays, as above, shall be allowed from the date of such certificate for the landing outwards of a vessel not exceeding six hundred tons, and thirty days for vessels exceeding that burthen, after which periods respectively the Master shall be charged with the wages and expenses of the Customs Officer on board to the date of the vessel's sailing from the port.

XLVII. And it is hereby enacted, that when upon application from the Master of any vessel the Customs Officer shall be removed from on board thereof under the provisions to that effect contained in the last preceding Section of this Act, if the Master of such vessel shall before a Customs Officer have again been placed in such vessel, put on board of such vessel, or cause or suffer to be put on board of such vessel any Goods whatever, such Master shall be punished with a fine not exceeding one thousand Rupees, and the Goods shall be liable to be relanded for examination at the expence of the shippers, upon requisition to that effect from the Collector of Customs.

XLVIII. And it is hereby enacted, that upon any Goods liable to duty that may be passed through the Custom House for shipment, the application for which shall be presented after port clearance shall have been taken out, double of the prescribed

duty shall in all cases be levied, and if the Goods be free or have already paid import duty, or have been imported free under certificate, five per cent, upon the market value shall be levied thereon, or if the same be imported Goods entitled to drawback, the drawback shall be forfeited, but no separate duty shall be levied on drawback Goods.

XLIX. And it is hereby enacted, that when a vessel having cleared out from any port shall put back from stress of weather, or it shall for any damage or from other cause be necessary that the cargo of a vessel that has cleared out shall be unshipped or relanded, a Customs Officer shall be sent to watch the vessel and take charge of the cargo during such relanding or removal from on board, and the Goods on board such vessel shall not be allowed to be transhipped or re-exported free of duty by reason of the previous settlement of duty at the time of first export unless the Goods shall be lodged in such place as shall be allowed by the Collector of Customs, and shall remain while on land, or while on board of any other vessel under special charge of the Officers of Customs until the time of re-export, and all charges attending such custody shall be borne by the exporter; Provided, however, that in all cases of return to port after port clearance, on account of damage or for stress of weather, it shall be lawful for the Owner, or for the Master to enter the vessel and land the cargo under the rules for the importation of Goods, and the export duty shall in that case be refunded and the amount paid in drawback be reclaimed, and if Goods on account of which drawback has been paid be not found on board the vessel, the Master shall be liable to a fine not exceeding the entire value thereof, unless he accounts for them to the satisfaction of the Collector of Customs.

L. And it is hereby enacted, that when Goods shall be relanded before the lading of any vessel is complete, and before port clearance has been granted, the duty levied upon such Goods shall be returned to the exporter, but no refund shall be made of duty paid on the export of any Goods after port clearance shall have been granted for the vessel on which the Goods were exported, unless the vessel shall have put back for stress of weather or for damage, and the Goods shall have been relanded under the rule contained in the last preceding Section of this Act.

LI. And it is hereby enacted, that it shall be lawful for the said Governor in Council to establish rules for the anchoring of the coasting and country craft of the British territories, for the delivery of manifests of the cargo of such vessels, and for the landing of Goods therefrom, and shipping of Goods therein, and that whoever being in charge of any such craft shall knowingly contravene any such rule, shall be liable to a fine not exceeding one hundred Rupees for each offence.

LII. And it is hereby enacted, that Pattamars, Dhonies, Botellas, and other small craft from the Maldive or Laccadive Islands, or from the Native Ports of Kattywar, Cutch and Scinde, shall be treated in the ports of the Bombay Presidency like the coasting craft of the British territory, provided that they conform to such special regulations as to the place of anchoring and mode of landing and shipping Goods as may be made by the Governor in Council of Bombay for such vessels in the several ports of the Bombay Presidency.

LIII. And it is hereby enacted, that no drawback shall be allowed on Goods shipped on such Native craft as are described in the last preceding Section of this Act.

LIV. And it is hereby enacted, that Goods exported in the same vessels if manifested for re-export, shall not be subject to import or export duty, and if any Goods brought to any port in any vessel be transhipped in such port, they shall in all cases be subject to the same duty as if they had been landed and passed through the Custom House for re-exportation in the vessel into which they may be transhipped.

LV. And it is hereby enacted, that no transhipment shall be made of any Goods except under special order in writing from the Collector of Customs of the port, and an Officer of Customs shall in all cases be deputed to superintend the removal of the Goods from vessel to vessel.

LVI. And it is hereby enacted, that at every port subordinate to the Bombay Presidency, the port of Bombay excepted, an anchorage fee shall be levied once at each port according to the burthen on all Country craft above the burthen of (100) one hundred maunds, at the rates herein-under specified.

						Fee. Rupees.
Above	10 Candies (equal to 100 maunds,)	Not exceeding	20 Candies,	200 Indian maunds,		1 0
„	20	.....	40	.....		1 8
„	40	.....	60	.....		2 0
„	60	.....	80	.....		2 8
„	80	.....	100	.....		3 0
„	100	.....	150	.....		3 8
„	150	.....	200	.....		4 0
„	200	.....	250	.....		4 8
„	250	.....	300	.....		5 0
„	300	.....	350	.....		5 8
„	350	.....	400 and upwards, ...			6 0

LVII. And it is hereby enacted, that in all cases in which under this Act, Goods are liable to confiscation, the Collector of Customs of the place, where those Goods may be, shall be competent to adjudge such confiscation.

LVIII. And it is hereby enacted, that if any person in charge of a vessel shall have become liable to any fine on account of any act or omission relating to Customs, the Collector of Customs shall be competent, subject to the orders of the Governor in Council of the Presidency of Bombay, to refuse port clearance to such vessel until the fine shall be discharged.

LIX. And it is hereby enacted, that it shall be lawful for any Collector of Customs, or other Officer who may be authorized to adjudicate Customs cases, if he shall decide that a seizure of Goods made under the authority of this Act was vexatious and unnecessary to adjudge damages to be paid to the proprietor by the Customs Officer who made such vexatious seizure, besides ordering the immediate release of the Goods; and if the proprietor accept such damages, no action shall thereafter lie against the Officer of Customs in any Court of Justice on account of such seizure: and if such adjudicating Officer shall decide that the seizure was warranted, but shall deem that the penalty of confiscation is unduly severe, it shall be lawful for him to mitigate the same to the extent of the levy of double duty: and if the said Officer shall adjudge confiscation, it shall further be lawful for him to order that from the proceeds of the sale of the Goods, a proportion not exceeding one-half shall be distributed in rewards amongst such Officers as he shall deem entitled thereto, and in such proportion as he may direct to each respectively.

LX. And it is hereby enacted, that all Officers of Customs shall, as heretofore, be amenable to the Civil Courts of the Presidency or Island of Bombay by action for damages on account of any executive acts done in their official capacity at the suit of the parties injured by such acts. Provided, however, that no suit shall lie against a Collector of Customs or other Officer for any Judicial award in a matter of Customs passed under the preceding Section of this Act.

LXI. And it is hereby enacted, that whoever intentionally obstructs any Officer in the exercise of any powers given by this Act to such Officers, shall be punished with imprisonment for a term not exceeding six months, or fine not exceeding one thousand Rupees, or both.

LXII. And it is hereby enacted, that whoever, being an Officer appointed under the authority of this Act, shall accept, or obtain, or attempt to obtain from any person any property as a consideration for doing or forbearing to do any official act, shall be punished with imprisonment for a term not exceeding two years, or fine, or both.

LXIII. And it is hereby enacted, that whoever, being an Officer appointed under the authority of this Act, practises or attempts to practice any fraud for the purpose of injuring the Customs revenue, or abets, or connives at any such fraud, or at any attempt to practice any such fraud, shall be punished with imprisonment for a term not exceeding two years, or fine, or both.

LXIV. And it is hereby enacted, that it shall be lawful for the Governor in Council of Bombay, by an Order in Council, to transfer any of the powers given to a Collector of Customs by this Act to any other functionary, and to make any rules consistent with law, for the carrying of this Act into effect, and to establish such bunders and appoint such Officers as he shall think fit, and to fix rates of wharfage and of rent to be paid for Goods deposited or suffered to lie in the godowns of the Custom House.

ACT No. I. OF 1838.

SCHEDULE A.

Rates of Duty to be charged on Goods imported by Sea into any Port of the Presidency of Bombay.

No.	Enumeration of Goods.	When Imported on British Bottoms.	When Imported on Foreign Bottoms.
1	Bullion and Coin,	Free.	Free.
2	Precious Stones and Pearls,	Ditto.	Ditto.
3	Grain and Pulse,	Ditto.	Ditto.
4	Horses and other living Animals,	Ditto.	Ditto.
5	Ice,	Ditto.	Ditto.
6	Coal Coke, Bricks, Chalk, Stones, (Marble and Wrought Stones excepted,)	Ditto.	Ditto.
7	Books printed in the United Kingdom or in any British Possession,	Ditto.	3 per Cent.
8	Foreign Books,	3 per Cent.	6 per Cent.
9	Marine Stores, the produce or manufacture of the United Kingdom or of any British Possession,	3 per Cent.	6 per Cent.
10	Do. do. the produce or manufacture of any other place or country,	6 per Cent.	12 per Cent.
11	Metals, wrought or unwrought, the produce or manufacture of the United Kingdom or any British Possession,	3 per Cent.	6 per Cent.
12	Metals, do., do., excepting Tin, the produce or manufacture of any other place,	6 per Cent.	12 per Cent.
13	Tin, the produce of any other place than the United Kingdom or any British Possession,	10 per Cent.	20 per Cent.
14	Woollens, the produce or manufacture of the United Kingdom or any British Possession,	2 per Cent.	4 per Cent.
15	Do., the produce of any other place or country,	4 per Cent.	8 per Cent.
16	Cotton Wool not covered by certificate of the payment of Export Duty at any other Port of Bombay,	9 As. per Md. of 80 Tolas to the Seer.	1 Re. 2 As. per Md. of 80 Tolas to the Seer.
17	Cotton and Silk Piece Goods, Cotton Twist and Yarn, the produce of the United Kingdom, *or of any* British Possession,	3½ per Cent.	7 per Cent.
18	Do., the produce of any other place,	7 per Cent.	14 per Cent.
19	Opium covered by a Pass,	Free	Free
20	Do. not covered by a Pass,	24 Rs. per Seer of 80 Tolas.	24 Rs. per Seer of 80 Tolas.
21	Salt not covered by a Pass,	8 As. per Md. of 80 Tolas per Seer...	8 As. per Md. of 80 Tolas per Seer.
22	Alum,	10 per Cent.	20 per Cent.
23	Camphor,	10 per Cent.	20 per Cent.
24	Cassia,	10 per Cent.	20 per Cent.
25	Cloves,	01 per Cent.	20 per Cent.
26	Coffee,	7½ per Cent.	15 per Cent.
27	Coral	10 per Cent.	20 per Cent.
28	Nutmegs and Mace,	10 per Cent.	20 per Cent.
29	Pepper,	10 per Cent.	20 per Cent.
30	Rattans,	7½ per Cent.	15 per Cent.
31	Tea,	10 per Cent.	20 per Cent.
32	Vermillion,	10 per Cent.	20 per Cent.
33	Wines and Liqueurs,	10 per Cent.	20 per Cent.
34	Spirits, consolidated Duty, including any duties levied heretofore thro' the Police, And the duty on Spirits shall be rateably increased as the strength exceeds London proof, and when imported in bottles, five quart bottles shall be deemed equal to the Imperial Gallon.	9 As. per Imperial Gallon.	1 Re. per Imperial Gallon.
35	Tobacco, Which duty shall be the minimum Customs duty levied on Raw Tobacco and all preparations thereof in all the ports of the Bombay Presidency, but if at the rate of 5 per cent. on the actual value, a higher duty than 1 Rupee 8 Annas per maund should be leviable on any preparation of Tobacco, the duty shall be levied *ad valorem* at that rate if imported on British Bottoms, and at 10 per cent. on Foreign Bottoms. And the Customs Duty laid upon Tobacco shall be allowed in settling for the Special Duty levied on the import of this article into the Island of Bombay, which Special Duty shall be levied at the rate of 9 Rupees for the Indian maund.	1 Re. 8 As. per Md. of 80 Tolas per seer..	1 Re. 8 As. per Md. of 80 Tolas per seer.
36	All articles not included in the above enumeration,	3 per Cent	7 per Cent.

And if the Collector of Customs shall see reason to doubt whether the Goods liable to a different rate of Duty according to the place of their production come from the country from which they are declared to come by the importer, it shall be lawful for the Collector of Customs to call on the importer to furnish evidence as to the place of manufacture or production, and if such evidence shall not satisfy the said Collector of the truth of the declaration, the Goods shall be charged with the highest rate of duty, subject always to an appeal to the Governor in Council at Bombay.

And upon the re-export by sea of Goods imported, excepting Opium and Salt, and all Goods of the growth, production, or manufacture of the continent of India, provided the re-export be made within two years of the date of import as per Custom House Register, and the Goods be identified to the satisfaction of the Collector of Customs, there shall be retained one-eighth of the amount of duty levied, and the remainder shall be repaid as drawback.

But no exporter of imported Goods shall be entitled to drawback unless the drawback be claimed at the time of re-export, nor shall any payment be made of drawback unless the amount claimed be demanded within one year from the date of entry of the Goods for re-export in the Custom House Registers.

ACT No. I. OF 1838.

SCHEDULE B.

Rates of Duty to be charged on Goods Exported by Sea from any Port or Place in the Presidency of Bombay.

No.	Enumeration of Goods.	Exported on British Bottoms.	Exported on Foreign Bottoms.
1	Bullion and Coin,	Free.	Free.
2	Precious Stones and Pearls,	Ditto.	Ditto.
3	Books, Maps and Drawings printed in India,	Ditto.	Ditto.
4	Horses and living Animals,	Ditto.	Ditto.
5	Opium covered by a Pass,	Ditto.	Ditto.
6	Ditto not covered by a Pass,	Prohibited.	Prohibited.
7	Cotton Wool exported to Europe, the United States of America, or any British Possession in America,	Free.	9 As. per maund of 80 Tolas to the Seer.
8	Ditto ditto exported to places other than above,	9 As. per maund of 80 Tolas per Seer.	1 Re. 2 As. per maund of 80 Tolas to the Seer.
9	Salt having paid the Excise of 8 Annas a Maund,	Free.	Free.
10	Tobacco,	1 Re. 8 As. per maund of 80 Tolas to the Seer.	1 Re. 8 As. per maund of 80 Tolas per Seer.
11	All Country Articles, not enumerated, or named above,	3 per Cent.	6 per Cent.

And npon the re-export to Europe, the United States of America, or to any British Possession in America, or from any other port of the Bombay Presidency, of Cotton, that has been imported under certificate of the payment of the duty specified in this Schedule, provided that the re-export be made in British Bottoms within two years from the date of such certificate, and the amount be claimed within one year from the date of re-export, as per Custom House Registers, the whole amount of export duty levied at the first place of export shall be refunded.

SCHEDULE C.

Manifest of Goods imported per *Commander, from* *under* *Colours, viz.*

Marks.	Numbers.	Packages.	Quantity.	Weight.	Gallons.	Yards.	Description of Goods.	Invoice Value.	Tariff Value.	
A.	1 @ 5	5 cases	250 pieces.			3000	Cambrics. Long Cloths, bleached. Long Cloths, unbleached. Madapollams, bleached. Do. unbleached. Plain Muslins.			

N. B. Articles generally to be specified, excepting such as Iron-mongery, Hard-ware, Glass-ware, Earthen-ware, Cutlery, Perfumery, Confectionary, Stationery, and such like.
All Articles from Great Britain to be entered according to the English weight, not Native.
From China, in like manner in China weights.
In Imports and Exports of Bullion or Coin, to specify the sort of which they consist.

ACT No. II. OF 1838.

Passed by the Hon'ble the President of the Council of India in Council, on the 5th January 1838.

I. IT is hereby enacted, that from the 1st day of February 1838, Salt shall not be manufactured at any place within the territories subject to the authority of the Lieutenant Governor of the North Western Provinces, the districts beyond the right bank of the Jumna river excepted, unless the person conducting the manufacture shall before preparing works for the production of such Salt, give notice in writing to the Collector of the district in which the place of manufacture may be situated, of his intention to manufacture Salt therein.

II. And it is hereby enacted, that upon receiving such notice as is prescribed in the preceding Section, the Collector of the district shall, by an order under his seal and signature, depute one or more officers, who shall be stationed for such time as the said Collector shall think proper, at every such place of manufacture, and shall have power to take account of the Salt manufactured and stored, and to prevent the removal of the Salt until the Government duty thereon shall have been paid.

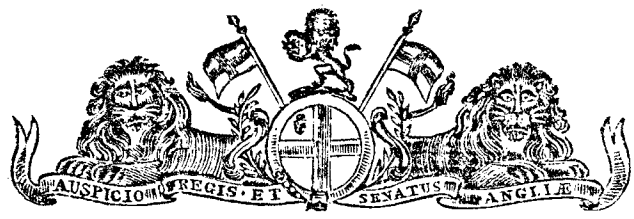
III. And it is hereby enacted, that every proprietor of Salt works within the North Western Provinces, at which an officer shall be stationed as above provided, shall pay to the Collector the wages of one officer at the rate of 10 Rupees per mensem for so long as such officer shall be retained for the supervision of the works; and if the Collector shall see fit to employ more than one officer, to watch any set of works, or to employ one officer receiving larger allowances than 10 Rupees per month, the wages of such extra officers, or the extra wages of such one officer, shall be defrayed by Government.

IV. And it is hereby enacted, that if any Salt Works be found producing Salt, of which notice has not been given in the manner prescribed by the first Section of this Act, such Works shall be destroyed, and any Salt stored thereat, shall be seized and confiscated.

V. And it is hereby enacted, that it shall be the duty of every party under direct engagements with Government for the Land Revenue, either as a proprietor or farmer, and of every proprietor of Lakhiraj lands, upon whose zemindaree, farm, or Lakhiraj estate, there shall be any Works producing Salt, of which Works notice has not been given in the manner prescribed by the first Section of this Act, to give notice of the same in writing to the nearest public officer of Police, or Land Revenue, within ten days from the date on which the Works were first prepared, and every such proprietor, farmer, or proprietor of Lakhiraj estate, who shall knowingly omit to give such notice, shall forfeit a sum not exceeding 500 Rupees for every such Salt Work.

VI. And it is hereby enacted, that the Magistrate or Joint Magistrate of any City or District, shall be competent to receive and determine all charges on account of things done in contravention of this Act.

VII. And it is hereby enacted, that whoever offers any resistance to any officer appointed under the authority of this Act, in the exercise of the lawful power of such officer, shall be punished in like manner, as if the resistance had been offered to the ordinary process of a Collector.



ACT NO. III. OF 1838.

Passed by the Hon'ble the President of the Council of India in Council, on the 5th January, 1838.

I. IT is hereby enacted, that Act No. VIII, of 1837, be repealed.

II. And it is hereby enacted, that whenever the Governor in Council of Fort Saint George shall appoint a Joint Criminal Judge of Cochin, and shall give to such Joint Criminal Judge jurisdiction over the Districts of Anjengo and Changancherry, such Joint Criminal Judge shall exercise, within his jurisdiction, all the powers of Joint Magistrate, as defined in the Madras Regulations.

FORT WILLIAM,

LEGISLATIVE DEPARTMENT,

THE 29TH DECEMBER 1837.

THE following Regulation, made by the Hon'ble Court of Directors, under the authority given to them by the Act of the 37th George III. Cap. 117, is published for general information, by the Orders of the Hon'ble the President of the Council of India in Council.

Preamble. Whereas by a Regulation for rescinding and re-enacting with modifications the provisions contained in Regulation VII. 1818, for regulating the Trade of Foreign Nations with the Ports and Settlements of the British Nation in the East Indies, made and passed by the Court of Directors of the East India Company, on the 12th of August 1829, and which was promulgated by the Governor General in Council on the 26th January 1830; by the Governor in Council of Fort St. George on the 3d of June 1831, and by the Governor in Council of Bombay on the 31st of March 1830, it was declared.

1st. That Foreign European Ships belonging to any State or Country, whether having a settlement of its own in the East Indies or not, and Ships belonging to the Empire of Brazil, so long as such States, Countries, and Empire respectively should remain in amity with His Majesty, might freely enter the British Sea Ports and Harbours in the East Indies, whether they came directly from their own Country, or from any of the Ports or Places in the East Indies, they should be hospitably received and should have liberty to trade there, in Imports and Exports, conformably to the Regulations established in such places; provided, that it should not be lawful for the said Ships, in time of War between the British Government and any State, or Power whatever, to export from the said British Territories, without the special permission of the British Government, any Military Stores or Naval Stores, Saltpetre, or Grain. The said Ships might also be cleared out for any Port or Place in the East Indies, but if cleared out for Europe, or for any Port in the Empire of Brazil, they should be cleared out direct for the Country to which such Ships should respectively belong.

2dly. That the Trade between the British Possessions in India, and the United States of America, should be continued to be regulated by the Convention of Commerce between Great Britain and the United States of America, signed at London, the 3d day of July 1815.

3dly. That nothing in the said Regulation should be construed to affect the provisions contained in the then existing Regulations for defining the duties to which the trade of Foreign Nations was, and should be subject, at the Ports and Settlements of the British Nation in the East Indies.

And whereas doubts have arisen how far the terms of the said recited Regulations would permit any Foreign Ships to carry Goods, not their original Cargo, from one Port to another, or to carry on the coasting or country trade.

And whereas it is expedient that such doubts should be removed, and also that the liberty of trading with the said Ports and Settlements should be extended to the Ships of some Foreign Coutries not mentioned in the said Regulation, the Court of Directors of the said Company, by virtue of the powers granted to them by the Act passed in the 37th year of the Reign of His late Majesty King George the Third, entitled "An Act for regulating the trade to be carried on with the British Possessions in India by the Ships of Nations in amity with His Majesty," have rescinded so much of the said Regulation as is hereinbefore recited, and in lieu thereof have framed the following Regulation.

Foreign Ships belonging to any State or Country in Europe, or in America, so long as such States or Countries respectively remain in amity with His Majesty, may freely enter the British Sea Ports and Harbours in the East Indies, whether they come directly from their own Country, or from any other place, and shall be there hospitably received. And such Ships shall have liberty to import into such Sea Ports, from their own respective Countries, Goods the produce of their Countries, and to export Goods from such Sea Ports to any Foreign Country whatever, conformably to the Regulations established, or to be established, in such Sea Ports. Provided, that it shall not be lawful for the said Ships, in time of war between the British Government and any State or Power whatsoever, to export from the said British Territories, without the special permission of the British Government, any Military or Naval Stores, Saltpetre, or Grain; nor to receive Goods on board at one British Port of India to be conveyed to another British Port of India on Freight or otherwise; but nevertheless the original inward Cargoes of such Ships may be discharged at different British Ports, and the outward Cargoes of such Ships may be laden at different British Ports, for their Foreign destinations.

ROSS D. MANGLES,

Offg, Secy. to Govt. of India.

1838/39

Acc. Inw. No. 2032

ACT No. IV. OF 1838.

Passed by the Hon'ble the President of the Council of India in Council, on the 29th January 1838.

IT is hereby enacted, that if it shall appear to the Court of Sudder Adawlut of Bombay, that any person has been guilty of Perjury, in any matter depending in that Court, that Court may immediately commit the offender to custody, and transmit him to the Zillah Court nearest to the Presidency, in order to his being brought to trial before the Session Court of the Zillah in which such Court is situated; and such person shall be dealt with in the same manner, as if the Perjury had been committed within the limits of the local jurisdiction of such Court of Session.

LIBRARY OF THE BOMBAY BRANCH OF THE ROYAL ASIATIC SOCIETY

ACT No. V. OF 1838.

Passed by the Hon'ble the President of the Council of India in Council, on the 14th March, 1838.

I. IT is hereby enacted, that the persons whose names appear in the Schedule No. 1, hereunto annexed, shall, from the 14th day of March 1838, form a corporate body for the Warehousing of Goods, either in bond or otherwise, by the name of the Bengal Bonded Warehouse Association.

II. And it is hereby enacted, that the said Association shall sue and be sued by its corporate name, and shall use such common seal as the Directors of the said Association shall from time to time appoint, and may acquire, may hold absolutely, may hold by way of pledge, and may transfer, any description of property whatever.

III. And it is hereby enacted, that the sum of 10,00,000 Rupees subscribed for the purposes of the said Association by the persons hereby incorporated, shall be the Capital Stock of the said Association, and shall be divided into 2,000 shares of 500 Rupees each, and that every one of the persons hereby incorporated shall have one share of such Capital Stock for every 500 Rupees which such person shall have subscribed.

IV. And it is hereby enacted, that the Directors of the said Association shall cause the names, additions, and places of residence of the proprietors of shares in the said Capital Stock, and the number of shares held by each proprietor, to be registered in a book, and the said shares shall in such book be numbered, beginning from No. I, and such book shall be kept at the office of the said Association, and shall there be open to the inspection of all persons during the usual hours of business.

V. And it is hereby enacted, that a certificate signed by three Directors of the said Association shall be delivered to every proprietor of the said Capital Stock, and that it shall be at the option of every proprietor of several shares to receive one certificate for all the shares of such proprietor, or one certificate for each of those shares, or several certificates, each of which may be for any number of those shares

VI. And it is hereby enacted, that any share or shares of the said Capital Stock may be transferred by indorsement made on the certificate for such share or shares, by the proprietor of such share or shares, or by the Attorney of such proprietor duly authorized thereunto; provided always, that such indorsement shall specify the name of the party to whom the transfer is made; and provided also, that no such indorsement shall be effectual to transfer any such share or shares until such indorsement shall have been registered in a registry, to be kept for that purpose at the office of the said Association, and until a note of such registration, and of the date thereof, shall have been made on the back of the indorsed certificate, under the hand of an officer appointed for that purpose by the Directors of the said Association.

VII. And it is hereby enacted, that every proprietor of a share of the said Capital Stock, who shall cease to be a proprietor of such Stock shall cease to be

a member of the corporation created by this Act; and that every person who shall become a proprietor of the said Capital Stock, shall become a member of the corporation created by this Act; and shall, in respect of his share or shares of the said Capital Stock, be under the same liabilities under which an original proprietor of the said Capital Stock would be.

VIII. And it is hereby enacted, that the business of the said Association shall be managed by six Directors, and that Francis Macnaghten, Joseph Walker, Jasper Ouseley, Richard Howe Cockerell, Alexander Colvin, Joseph Willis, and James Church Esquires, shall be the first Directors of the said Association.

IX. And it is hereby enacted, that every Director of the said Association may be removed by a general meeting of the proprietors, and that every future Director of the said Association shall be elected by such a general meeting.

X. And it is hereby enacted, that a rotation among the Directors of the said Association shall be settled by lot, so that two of the said Directors may go out of office on the Monday following the 15th day of May in every year, and that on the Monday following the 15th day of May in every year a general meeting of proprietors shall be held, at which two Directors shall be chosen, and that no Director going out by such rotation shall be capable of being re-elected, till the Monday after the 15th of May in the year next following.

XI. And it is hereby enacted, that if any Director of the said Association shall cease to be a Director, otherwise than by the operation of the rule of rotation aforesaid, the Directors of the said Association shall, with all convenient speed, after such public notice as is hereinafter directed, call an extraordinary general meeting of the proprietors, for the purpose of chusing a successor, and such successor shall come into the same place in the rotation aforesaid in which the Director whom he has succeeded was.

XII. And it is hereby enacted, that no person shall be capable of being a Director of the said Association, who shall not be a proprietor in his own right of fifteen shares of the Capital Stock of the said Association, which shares shall have been registered in his name not less than three calendar months before his election.

XIII. And it is hereby enacted, that no person shall be capable of being a Director of the said Association, unless he be resident within the territories subject to the Presidency of Fort William in Bengal.

XIV. And it is hereby enacted, that ordinary general meetings of the said proprietors shall be held at least twice in every year, that is to say, on the Monday following the 15th day of May, and on the Monday following the 15th day of November, and that at every such ordinary meeting the directors of the said Association shall present a report in writing, of the state of the affairs of the said Association, and a balance sheet, and that such general meeting may declare a dividend out of the profits of the said Association; provided always, that no dividend shall be made which shall diminish the Capital of the said Association.

XV. And it is hereby enacted, that any ordinary general meeting of the said Association may adjourn itself to a future day, and may, on the day to which it shall have so adjourned itself, resume its proceedings, and transact any business which it would have been competent to transact on the day when it originally assembled.

XVI. And it is hereby enacted, that extraordinary general meetings of the said Association shall be held according to such rules as may be made for that purpose in the Bye-laws of the said Association; provided always, that no such extraordinary general meeting shall be held without a previous notice of not less than fourteen days, which notice shall be published in not less than two newspapers printed at Calcutta.

XVII. And it is hereby enacted, that at general meetings of the proprietors, every election and question shall be decided by a majority of votes, and that no proprietor shall be allowed to vote unless he be possessed of two or more shares of the Capital Stock of the said Association, which shares shall have been registered in his name not less than three calendar months before.

XVIII. And it is hereby enacted, that at such general meetings, no proprietor shall have more than eight votes, and that the proprietors shall vote according to the following scale.

2 Shares shall entitle to	1 Vote.
4	2 ditto.
6	3 ditto.
10	4 ditto.
20	6 ditto.
35	7 ditto.
50	8 ditto.

XIX. And it is hereby enacted, that if more persons than one, being partners in trade, shall be joint proprietors of two or more shares of the said Capital Stock, and shall agree to give a joint vote or joint votes, such joint vote or joint votes shall be received in all respects as the vote or votes of a single proprietor would he received.

XX. And it is hereby enacted, that every proprietor entitled to vote at any general meeting, may give a proxy in writing, general or special, limited or unlimited, and signed by himself or by his attorney duly authorized thereunto, to any other proprietor, and that the proprietor to whom the proxy is given, may vote on behalf of the proprietor who had given the proxy, according to the terms of such proxy.

XXI. And it is hereby enacted, that the Directors of the said Association shall have authority to expend the money of the said Association, for the purpose of purchasing and erecting warehouses, and of warehousing and bonding Goods therein, and to make and fulfil contracts for the said purpose, and to appoint and remove such servants as may be necessary for the said purpose, and generally to manage all the concerns of the said Association, subject to such rules as may be laid down in the Bye-laws of the said Association, and to keep the seal of the said Association, and to use the said seal in the affairs of the said Association, provided always, that the said seal shall never be affixed to any instrument except in the presence and by the consent of three Directors, who shall sign their names on every such instrument in token of their presence and consent.

XXII. And it is hereby enacted, that Directors of the said Association shall have authority to call on the proprietors to pay such instalment or instalments as shall, together with the instalments already paid, amount to a sum not exceeding 50 per cent, on each share; and that no further call

shall be made, except in consequence of a vote of a general meeting of the proprietors authorizing such further call; provided always, that no proprietor shall be called upon to pay more in proportion to his share in the Capital Stock than any other proprietor.

XXIII. And it is hereby enacted, that if any proprietor shall not pay any instalment which he is lawfully called upon to pay in the manner described in the last Section, on the day appointed for such payment, the said Association shall have a claim against such proprietor for interest on the deficient sum, after the rate of 10 per cent per annum; and that it shall be lawful for the Directors of the said Association to apply, in satisfaction of such instalment and of such interest, any dividend due to such proprietor, placing every dividend so applied, to the credit of such proprietor with the said Association.

XXIV. And it is hereby enacted, that it shall be lawful for the Directors of the said Association to refuse to register the transfer of any share belonging to any proprietor who shall not have paid such instalment and interest as aforesaid; and that in case such instalment and interest shall not be paid within two months after notice to pay the same has been given by the said Directors to such proprietor, or to his attorney or attornies duly authorized, it shall be lawful for the said Directors to sell by public sale the share or shares of such proprietor to such an extent as may be sufficient to satisfy such instalment and interest, and to grant, upon such sale, a new certificate or new certificates to the purchaser of such share or shares, whereupon the former certificate or certificates for such share or shares, shall become void, and if there be any surplus after such instalment and interest have been satisfied, such surplus shall be paid on demand to the proprietor of such share or shares, and shall till demanded, be credited in the books of the said Association to such proprietor, but no interest shall run thereon.

XXV. And it is hereby enacted, that all the provisions of Act No. XXV. of 1836 of the Governor General of India in Council, relating to private licensed warehouses, shall be applicable to all warehouses wherein the said Association shall receive bonded Goods.

XXVI. And it is hereby enacted, that it shall be lawful for the said Association to give general security, by bond, under the seal of the said Association, for payment of the full duties of importation on Goods lodged in any warehouse of the said Association, or for the due exportation of such Goods; and if the said Association shall give such bond, no security shall be required from any other party to the same effect.

XXVII. And it is hereby enacted, that the Directors of the said Association shall, from time to time, fix the rates at which the said Association will warehouse Goods and receive Goods at its wharfs, and that a table of such rates shall be placed at every warehouse and wharf of the said Association.

XXVIII. And it is hereby enacted, that as often as any Goods are lodged in any warehouse of the said Association, the Secretary of the said Association shall deliver a warrant signed by him, as such Secretary, to the person lodging such Goods, which warrant shall be as nearly as possible in the form set forth in Schedule II. annexed to this Act, and such warrant shall be transferable by indorsement, and shall entitle any person to whom it may have been so transferred by indorsement, to receive the Goods specified in such warrant, on the same terms on which the person who originally lodged those Goods would have been entitled to receive the same.

XXIX. And it is hereby enacted, that all suits brought against the said Association shall be brought in the Supreme Court of Judicature at Fort William in Bengal, and not elsewhere.

XXX. And it is hereby enacted, that all the Joint Stock of the said Association of what kind or description soever, and all the Land, Warehouses, Messuages, Tenements, Hereditaments, Premises and Property acquired therewith, of which the said Association shall become in any manner possessed, entitled to, or interested in, shall be held and enjoyed by the Proprietors thereof, and their successors respectively, as Personal Estate, or as in the nature of Chattel Interests, and not as, or in the nature of Real Estate.

XXXI. And it is hereby enacted, that in order to define the liability of Proprietors of Shares, and to save harmless themselves and their respective Heirs, Executors, Administrators, Representatives, and Assigns, no Proprietor, his Heirs, Executors, Administrators, Representatives or Assigns, shall be personally liable to any person or persons whatsoever by reason of being a Proprietor in any event, or for, or on account of any acts, deeds, contracts, or liabilities of the said Association, or of the Directors or Secretary thereof respectively, or under, or by virtue of any judgmeut or decree in any action or suit, but that the party or parties having any legal or equitable demand, or claim for, or on the account last aforesaid, or having obtained such judgment or decree as last aforesaid, shall and may only recover the amount of such demand, claim, judgment or decree from and out of, or to the whole extent of the paid up Capital, accumulated Funds, Lands, Messuages, Tenements, Hereditaments, and Premises whatsoever and wheresoever, which may at the time belong to the said Association, or to which they may at the time be entitled.

XXXII. And it is hereby enacted, that it shall be lawful for the said Association to make Bye-laws for the regulation of its own proceedings, which Bye-laws shall be binding only on its own members and officers; provided that no such Bye-law shall be valid till it shall have been approved of by two extraordinary general meetings of Proprietors specially convened for that purpose, of which meetings the second shall be held not less than one calendar month after the first; provided also, that no such Bye-law shall be valid till it shall have been confirmed by the Governor of the Presidency of Fort William in Bengal.

XXXIII. And it is hereby enacted, that it shall be lawful for the said Association to increase its Capital Stock; provided always that no such increase shall take place unless it be authorized by a vote of two extraordinary general meetings of Proprietors specially convened for that purpose, of which meetings the second shall be held not less than three calendar months after the first.

XXXIV. And it is hereby enacted, that in the event of such increase, the Proprietors of the original Stock shall not be bound to subscribe, but shall in the first instance have the option of subscribing for the increased Capital Stock; in proportion to the share which each has, of the original Capital Stock, and so much of the additional Capital Stock, as shall not be subscribed for by the said Proprietors of the original Stock, within one year after the passing of the final resolution for the increase, shall be open to the public, and be sold, for the benefit of the said Association, by public sale.

XXXV. And it is hereby enacted, that all the rules laid down in this

Act respecting the original Capital Stock of the said Association, shall be applicable to any additional Stock which may be subscribed in the manner hereinbefore described.

XXXVI. And it is hereby enacted, that if the said Association shall be desirous to dispose of any premises purchased by the said Association from the East India Company, the said East India Company shall have the right of pre-emption, and the price shall be fixed by two appraisers, the one named on the part of the said East India Company, and the other by the Directors of the said Association, and if the said appraisers shall not agree on a price, the price shall be fixed by an umpire named by the said appraisers.

XXXVII. And it is hereby enacted, that at any time after the 14th day of March 1860, it shall be lawful for the Governor General of India in Council, by an Order in Council, to direct that the said Association be dissolved.

XXXVIII. And it is hereby enacted, that the said Association may at any time be dissolved by a resolution to that effect, of two-thirds in number and value of the Proprietors qualified to vote at two successive extraordinary meetings specially called for the purpose of taking into consideration the expediency of such dissolution; provided that not less than three months shall have elapsed between the first and second of such two extraordinary meetings.

XXXIX. And it is hereby enacted, that whenever the dissolution of the said Association shall be ordered, either by the Governor General of India in Council, or a by a vote of the said Association, the Directors of the said Association shall cause all the property of the said Association to be converted into money, and shall divide whatever surplus may remain after satisfying the debts of the said Association among the Proprietors in proportion to the shares which the Proprietors have in the Capital Stock of the said Association; and after such distribution the said Association shall forthwith be dissolved.

SCHEDULE No. I.

LIST OF PROPRIETORS OF SHARES.

R. H. Cockerell.
W. Speir.
W. Martin.
R. Speir.
T. Speir.
J. S. Brownrigg.
J. Cockerell.
G. G. de H. Larpent.
J. St. Pourcain.
J. M. Dove.
Gangapersaud Gossain.
Ramchunder Seal.
J. Willis.
W. Earle.
D. Willis,
T. Willis.
J. Master.
G. C. S. Master, Lieut.
T. A. Shaw.
W. A. Shaw.
H. Walters.
J. Innes.
W. Adam.
Joseph Worthington,
James Cullen.
J. C. Palmer.
A. Colvin.
W. Ainslie.
H. Cowie.
T. S. Anquetil, Lt.-Col.
W. H. Martin.
A. Irvine, Major.
W. A. Peacock.
J. A. Moore, Major.
T. W. Burt.
William Braddon.
Trustees of Mrs. Limond's Marriage Settlement.
J. W. J. Ouseley, Captain.
G. A. Prinsep.
W. Barrington, Captain.
T. C. Robertson.
Ramdas Day.
Bonomalee Mullick.
A. Muller.
Charles Trebeck.
T. Bowring.
J. W. Alexander.
T. B. Swinhoe.
Robert Swinhoe.
A. Dobbs.
John Watson.
James Colquhoun.
James Church.
Edward Harding.
Henry Moore.

R. Watson.
Mrs. B. Betty.
Henry Mackenzie.
Adam Scott and Co.
Holodhur Chowdry.
Charles S. Gover.
K. R. Mackenzie.
S. R. Crawford.
J. B. Higginson.
Francis Macnaghten.
Carr, Tagore and Co.
W. Carr, Trustee for Mrs. Dick's Marriage Settlement.
Robert Lyall.
Charles Lyall.
John Lyall.
David Lyall.
W. T. Dawes.
Colville, Gilmore and Co.
Alexander Rogers.
J. H. Crawford.
A. Porteous.
J. Mackey and Co.
James Mackenzie.
P. J. Sarkies.
G. Collier.
R. Bird.
J. Ranken, M. D.
Brijobullub Doss and Gocul Doss.
J. S. Stopford.
A. Beattie.
Wilson, Frith and Co.
G. C. Arbuthnot.
J. Jackson.
A. S. Gladstone.
J. Craigie, Lieut.-Col.
J. Williams.
Gopeekissen Paul.
Megnarain Roy.
Ramnarain Mookerjee.
Doorgachurn Mookerjee.
Gowrichurn Mookerjee.
J. B. Biss.
J. S. Biss.
Rogoonath Coondo.
W. F. Gibbon.
J. Cock.
H. F. King.
James Hill.
Taraneechurn Chatterjee.
G. Herklots, Junior.
F. O. Wells.
C. Lancaster.
C. Lancaster, Trustee for Mrs. Cornish's Marriage Settlement.
George Dougal.
John Richards.
Bruce, Shand and Co.
G. W. A. Lloyd, Lieut.-Col.
W. Freeth, Captain.
J. P. Marcus.
Mrs. Bruce.
Miss L. W. Bruce.
Joseph Bruce.
Charles C. Bruce.
Debnarain Day.
William Bruce, Trustee for Mrs. Col. Lloyd.
Ditto ditto, for Mrs. A. G. Glass.
Ditto ditto, for E. B. Squire, Junior.
Doorgachurn Bose,
Rajkissore Lahory.
Gourmohun Coondoo.
S. Hornby.
Hurrischunder Bose.
Romsoonder Mullick.
Rajchunder Ghose.
Radanauth Dutt.
H. Barrow.
Godadhur Mitter.
E. D'Cruz.
Goluckchunder Durr.
Luckinairan Day.
T. Blechynden.
W. Rushton.
A. J. Sturmer.
Boloram Dey.
Obhoychurn Mookerjee.
Bolychund Bysack.
Mrs. Sarah Moss.
W. Barrett.
Hurrimohun Mookerjee.
Mohunchunder Ghose.
Hurrimohun Banorjee.
Kistnomohun Seal.
Hurrochunder Bose.
W. Ryland.
M. Hughes, Captain.
Annunchunder Mitter.
J. A. Walker.
T. Hyde Gardiner.
J. C. Owen.
Moheschunder Mitter.
Prawnkisto Doss.
Conai Lal and Mukun Lal.
J. Rostan, Junior.
J. H. Rostan.
Madobchunder Sandell.
Dyalchaund Bysack.
W. Stacy.
J. George.
Mrs. C. Shelverton.
C. Shelverton.
Cassinath Bonerjee.
P. S. D'Rozario.
J. D'M. Sinaes, in trust for Miss J. F. Speed.
Gorachand Bose.
J. E. Dunn.
D. W. H. Speed.
Rajkissen Dey.
Jomejoy Bhose.

SCHEDULE NO. II.

CALCUTTA BENGAL BONDED WAREHOUSE ASSOCIATION.

I do hereby Certify, that have deposited in the Warehouse of the Association, the undermentioned Goods

which Goods, the Association engage on demand, after payment of rent and incidental charges and Government dues or customs chargeable thereon, to deliver to the said or their Assigns, or the holder of this warrant to whom it may be transferred by indorsement.

—*Secretary.*

ACT No. VI. OF 1838.

Passed by the Hon'ble the President of the Council of India in Council, on the 19th March 1838.

IT is hereby enacted, that whenever the Governor in Council of the Presidency of Bombay shall appoint, or shall have appointed a Commission, to enquire into any charge of malversation against any public servant, it shall be lawful for such Governor in Council, to authorize such Commission to summon witnesses before it, and to administer an oath, or any substitute for an oath, to them, and to examine them in like manner as it is lawful for the Criminal Courts of that Presidency to do; and that any witness shall be guilty of perjury, who shall give such evidence before such Commission, so authorized, as if given before a Court of Justice, would render such witness guilty of perjury.

ACT No. VII. OF 1838.

Passed by the Hon'ble the President of the Council in India in Council, on the 23rd April 1838.

IT is hereby enacted, that is shall be lawful for a Judge of any Zillah, or City Court, within the territories subject to the Presidency of Fort William in Bengal, to exercise the powers vested in a single Judge of the Sudder Dewanny Adawlut, by Clause 2, Section II. Regulation IX. of 1831, of the Bengal Code.

ACT No. VIII. OF 1838.

Passed by the Hon'ble the President of the Council of India in Council, on the 23rd April, 1838.

I. IT is hereby enacted, that from the 10th day of May, 1838, the following rates of Toll shall be levied, in the Company's Currency, at the Toll Gate of the Bhore Ghaut, on Palanquins and Laden Bullocks, both in going and returning.

On every Palanquin,..... 1 Rupee.

On every Laden Bullock,..... 6 Pies.

II. And it is hereby enacted, that from the said day, all the provisions of Act No. II. of 1837, of the Governor General of India in Council, shall be applicable to Palanquins and Laden Bullocks, and the Tolls to be levied thereon, as if they had been inserted among the rates of Tolls contained in Section II. of that Act.

ACT No. IX. OF 1838.

Passed by the Hon'ble the President of the Council of India in Council, on the 30th April 1838.

IT is hereby enacted, that from the Fifteenth day of May 1838, it shall be competent to the Session Judges within the Presidency of Bombay, in adjudging a sentence of fine, to award such fine, or any part of such fine, in compensation to the party who may have been injured, in like manner as it is competent to Magistrates to award fines, under Clause 1st, Section XIII. Regulation XII. of 1827, of the Bombay Code.

1838/39
Acc. Inv.^d N.° 2032

ACT No. X. OF 1838.

Passed by the Hon'ble the President of the Council of India in Council, on the 30th April, 1838.

I. IT is hereby enacted, that Regulation X. 1817, of the Bengal Code, be repealed.

II. And it is hereby enacted, that the Functionaries who are, or may be appointed in the Province of Kumaon, be henceforth placed under the control and superintendence, in Civil Cases, of the Court of Sudder Dewanny Adawlut at Allahabad; in Criminal Cases, of the Court of Nizamut Adawlut at Allahabad; and in Revenue Cases, of the Sudder Board of Revenue at Allahabad; and that such control and superintendence shall be exercised in conformity with such instructions, as the said Functionaries may have received, or may hereafter receive from the Government of the North Western Provinces of the Presidency of Fort William.

1838/39
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ACT No. XI. OF 1838.

Passed by the Hon'ble the President of the Council of India in Council, on the 14th May, 1838.

I. IT is hereby enacted, that Section XV. Regulation XIX. of 1814, of the Bengal Code, be repealed.

II. And it is hereby enacted, that it shall be lawful for the Sudder Board of Revenue at Calcutta, with the sanction of the Governor of Bengal, and for the Sudder Board of Revenue at Allahabad, with the sanction of the Functionary exercising the Authority of Government in the North Western Provinces, to fix the remuneration of an Ameen, or other person employed to effect a partition of an Estate under the Regulations enacted for that purpose, and to cause the same to be levied from the parties concerned, in the same manner as an arrear of Revenue, at such periods, and in such proportions, as the said Boards may severally think fit.

ACT No. XII. OF 1838.

Passed by the Hon'ble the President of the Council of India in Council, on the 21st May, 1838.

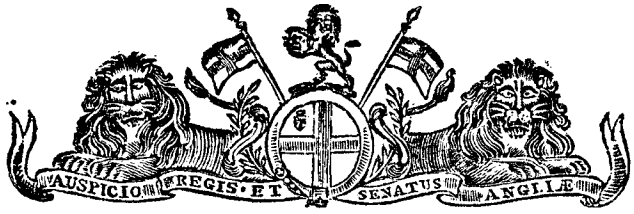
IT is hereby enacted, that from the First day of July 1838, all powers vested by Regulation XI. of 1832, of the Madras Code, in Zillah or Assistant Judges, shall be vested in every Principal Sudder Ameen within the Territories subject to the Government of the Presidency of Fort St. George, in respect of all hidden Treasure of any of the kinds specified in Section II. of that Regulation, which may be found within his jurisdiction; and all rules applicable to Zillah or Assistant Judges, shall be applicable to every such Principal Sudder Ameen, in respect of such Treasure.

ACT No. XIII. OF 1838.

Passed by the Hon'ble the President of the Council of India in Council, on the 21st May, 1838.

I. IT is hereby enacted, that it shall be competent to the Governor General of India in Council, by an Order in Council, to extend any part of the Provisions of Regulation XII. of 1833, to the Court of any Principal Sudder Ameen, Sudder Ameen, or Moonsiff.

II. And it is hereby enacted, that it shall be lawful for the Governor General of India in Council to delegate the power given to him by Section I. of this Act, to the Governor of Bengal, and to the Lieutenant Governor of the N. W. Provinces, or to any functionary exercising the authority of Government in the N. W. Provinces.



ACT No. XIV. OF 1838.

Passed by the Hon'ble the President of the Council of India in Council, on the 16th July, 1838.

IT is hereby enacted, that it shall be competent to the Governor in Council of Fort St. George, by an Order in Council, to extend the provisions of Regulations III. of 1820 and IX. of 1831, to the Articles of Ganjah and Bang:—the quantity of Ganjah and Bang, which each person shall be allowed to have in his possession without a license, within the limits specified in any such order, shall not exceed one half viss.

ACT No. XV. OF 1838.

Passed by the Hon'ble the President of the Council of India in Council, on the 16th July 1838.

IT is hereby enacted, that Clause I, Section XXXV. Regulation XII. of 1827 of the Bombay Code, be repealed.

ACT No. XVI. OF 1838.

Passed by the Hon'ble the President of the Council of India in Council, on the 23rd July, 1838.

I. *Clause* 1*st.*—IT is hereby enacted, in modification of the Rules contained in Chapter VIII. Regulation XVII. of 1827, of the Bombay Code, that in the Territories subject to the Presidency of Bombay, all suits in regard to tenures, and the nature and extent of the interest and advantage which in virtue thereof should be enjoyed by the parties concerned, and all Suits in which the right to possession of land, or of the wuttuns of hereditary District or Village Officers is claimed, shall be brought in the Courts of Adawlut and the Courts subordinate thereto, and not in the Courts of Revenue.

Clause 2d.—Provided nevertheless, that it shall be lawful for the Revenue Courts to give immediate possession of all Lands, Premises, Trees, Crops, Fisheries, and of all profits arising from the same, to any party dispossessed of the same or of the profits thereof, provided application be made to them by such party within six months from the date of such dispossession. And in order to the due execution of such power, it shall be lawful for the Revenue Courts to determine the facts of such possession and dispossession ;—and the party to whom the Revenue Court shall so give immediate possesssion, shall continue in possession, until ejected by a decree of a Court of Adawlut.

Clause 3d.—Provided also, that nothing contained in this Act shall be held to interfere with the jurisdiction defined in Clauses 3, 4, and 5 of Section XXXI. Regulation XVII. of 1827, of the aforesaid Code, which shall continue to be exercised by the Revenue Courts.

II. And it is hereby enacted, that if a Suit be presented in the Court of a Judge or Collector, which such Judge or Collector shall not deem within his jurisdiction the party presenting such Suit shall be referred by the Court, in which it may be first presented to that in which, in the opinion of such Court the jurisdiction lies, and the latter Court shall, in the event of its doubting its jurisdiction in the case, refer the question of jurisdiction to the Sudder Dewanny Adawlut, whose decision on the point shall be final.

III. And it is hereby enacted, that if a Suit be presented in any Court subordinate to the Court of a Judge or Collector, which Suit such subordinate Court shall not deem to be within its jurisdiction, such subordinate Court shall submit the case to the Judge's or Collector's Court to which such subordinate Court is subordinate, and if the superior Court to which the case is so submitted shall be of opinion, that such subordinate Court has jurisdiction in the case, such superior Court shall direct such subordinate Court to proceed with the case, and if such superior Court shall be of opinion, that such subordinate Court has not jurisdiction in the case, such superior Court shall proceed in the manner directed in the last preceding Section.

IV. And it is hereby enacted, that whenever a Court of Adawlut or a Revenue Court shall have entered on its file, under this Act, a Suit in which it has not jurisdiction, it shall be competent to the Sudder Dewanny Adawlut, either on a reference from the Judge or Collector, (as the case may be,) or on application from the parties, to direct that the Suit be transferred, with all the proceedings which may have taken place therein up to the period of transfer, to the Court possessing jurisdiction, which shall proceed therewith as if the Suit had been originally filed in that Court.

V. And it is hereby enacted, that when any Court trying an Appeal finds, that the action was originally brought and decided in a Revenue Court, when it ought to have been brought and decided in a Court of Adawlut, or a Court subordinate thereto, or that the action was originally brought and decided in a Court of Adawlut, or a Court subordinate thereto, when it ought to have been brought and decided in a Revenue Court, the Court trying the Appeal shall, instead of quashing the whole proceedings, annul only the decree and refer the Suit to be tried in the Court to which the jurisdiction properly belongs, without further costs of stamps to the parties, except on new exhibits, if any such should be allowed to be filed; and the Court trying any such case referred under the foregoing Section shall take further pleadings, exhibits, and evidence, only if it deem such necessary, and shall pass a new decree; but if an Appeal be made from such new decree by the party originally bringing the Appeal, then the decree of the Court trying such new Appeal shall be passed without the cost of a new stamp on the petition of Appeal to that party.

VI. And it is hereby enacted, that all original Suits and Appeals relating to any of the subjects enumerated in Clause 1st, Section I. of this Act, which may be depending in the Revenue Courts, shall be forthwith transferred to the Courts of Adawlut; and in all cases where the right of Appeal may now be open, the Appeal shall be brought to the Court to which, under the Rules of this Act, such Appeal shall lie.

ACT No. XVII. OF 1838.

Passed by the Hon'ble the President of the Council of India in Council, on the 13th August 1838.

I. IT is hereby enacted, that from the First day of September 1838, it shall be competent to the Zillah Judges, the Assistant Judges of Auxiliary Courts, and the Principal Sudder Ameens in the Territories subject to the Presidency of Fort St. George, to receive a Summary Appeal from the Orders or Decrees of the District Moonsiffs stationed within their respective jurisdictions, in cases in which such District Moonsiffs may have refused to admit any suit regularly cognizable by them, or may have dismissed on the ground of delay, informality, or other default, without an investigation of the merits of the case, any such suit which they may have admitted, or any suit regularly referred to them by superior authority.

II. And it is hereby enacted, that the provisions contained in the Fifth and Six following Clauses of Section 5, Regulation XV. of 1816 of the Madras Code, regarding Summary Appeals, shall apply to the Summary Appeals preferred under the authority of this Act.

ACT No. XVIII. OF 1838.

Passed by the Hon'ble the President of the Council of India in Council, on the 20th August, 1838.

I. IT is hereby enacted, that from the First day of October next, in addition to the Security authorized to be taken by Section XII. Regulation XVI. 1827, of the Bombay Code, it shall be lawful for every Collector or other Principal Officer entrusted with the collection or management of the Revenues of Government, in the Territories subject to the Government of the presidency of Bombay, to require security of one or more individuals in the Form of Schedule A, from any Officer employed under him, not being a Covenanted Servant or Commissioned Officer of the East India Company.

II. *First.* And it is hereby enacted, that the surety or sureties of such Officer as is aforesaid, who may enter into a Bond of the Form Schedule A, shall be liable to be proceeded against jointly and severally in the same manner as his or their Principal is liable to be proceeded against, in case of default, and notwithstanding such Principal may be so proceeded against.

Second. Provided always, that no greater sum shall be recovered from the surety or sureties than is sufficient to cover any loss or damage which the Government may actually sustain by the default of the Principal, as the amount which may be due from such surety or sureties under the terms of the Security Bond executed by him or them.

Third. And provided also, that the said surety or sureties shall, in no case, be liable to summary imprisonment in default of producing public papers or property, provided he or they pay into the Collector's treasury, the whole or such part of the penalty named on the Bond as may be demanded.

III. And it is hereby enacted, that the Collector or other Officer as aforesaid, may at any time after security has been given, the sanction of the Superior Revenue Authority being first obtained, demand fresh or additional security, as may seem to him expedient.

IV. And it is hereby enacted, that any surety whether under a separate or joint Bond may withdraw from his suretyship at any time on his stating, in writing to the Officer to whom the Bond has been given, that he desires so to withdraw; and his responsibility under the Bond shall cease after sixty days from the date on which he gives such writing as to all demands upon his Principal concerning monies, papers, or accounts for which his Principal may become chargeable after the expiration of such period of sixty days.

V. And it is hereby enacted, that the liability of the surety or sureties shall not be affected by the death of a Principal, or by his appointment to a situation different from that which he held when the Bond was executed.

VI. And it is hereby enacted, that the date from which the liability of the surety or sureties is to commence shall be stated in the Bond, and such date shall be that of the appointment to the situation which the Principal is declared in the Bond to hold, or that from which any former Security Bond has been cancelled, or any other specific date which the Officer requiring such security may determine, and the party or parties executing the Bond shall agree to.

ACT No. XVIII. OF 1838.

SCHEDULE A.

FORM OF BOND.

I, A. B., (we A. B. and C. D.) do hereby become security on the part of E. F., holder of the Office of in the Collectorship of and bind myself (ourselves severally and jointly) to make good all demands for public money, public papers and accounts, and all other property appertaining to Government, which may have arisen from the date from which this Bond is to take effect as hereinafter mentioned, and which may arise during such period as this Bond may continue in force against the said E. F., and on failure to produce public accounts, papers, or other property appertaining to Government, not being money, I (or we) agree to forfeit such sum not exceeding (10,000 Rs. or as the case may be) as the Collector (or other Officer as the case may be) may deem proper.

This Bond is to have effect from the date of appointment of the said E. F. (or as the case may be.)

Executed this day of in the year of

Witnesses.

(Signature of Security.)

ACT No. XIX. OF 1838.

Passed by the Hon'ble the President of the Council of India in Council, on the 27th August, 1838.

I. IT is hereby enacted, that from the First day of November, 1838, Sections XX. and XXI. Regulation XX. of 1827, of the Bombay Code, be repealed.

II. And it is hereby enacted, that from the said First day of November, 1838, the following rules shall be in force with respect to vessels belonging to any of Her Majesty's subjects residing within the Presidency of Bombay, and employed on the Coasts of the territories subject to the Government of Bombay, or in trading coast-wise, as also with respect to fishing vessels and harbour craft belonging to any of the same Her Majesty's subjects.

III. And it is hereby enacted, that every such vessel employed as aforesaid, fishing vessel, and harbour craft, shall be marked or branded with the name of the place to which she belongs, and also with a number assigned for the same, by the officer authorized to make such registry as is hereinafter mentioned, and the owner or owners of such vessel employed as aforesaid, fishing vessel, and harbour craft, shall cause such name and number to be painted in black paint upon a white ground, on each quarter of such vessel employed as aforesaid, fishing vessel, and harbour craft, in English figures and letters, each figure and letter being six inches in length.

IV. And it is hereby enacted, that the name and number of every such vessel, employed as aforesaid, fishing vessel, and harbour craft, and her burthen, and also the name or names of the owner or owners thereof, shall be registered in a book, to be kept for that purpose, by the person hereinafter directed to make such registry. At Bombay, such registry shall be made by the Master Attendant, and at other places within the said territories, by the Collector of Sea Customs at such places respectively, or by such other person, as shall be appointed by the Government of Bombay to act at such places respectively, in the execution of this Act; and whenever any change shall take place in the burthen of such vessel employed as aforesaid, fishing vessel, or harbour craft, or in the name or names of the owner or owners thereof, such registry shall be made again: provided, however, that it shall not be lawful to give any name to such vessel employed, as aforesaid, fishing vessel or harbour craft, other than that by which she was first registered.

V. And it is hereby enacted, that the owner or owners of every such vessel employed as aforesaid, fishing vessel, and harbour craft, shall apply to the person authorized to make such registry in respect of the same, in order to have such registry as aforesaid made, or in order to have such registry made again as aforesaid. And whenever such vessel employed as aforesaid, fishing vessel, or harbour craft, is registered at a subordinate port, information thereof, and of the number there assigned to her, shall immediately be given by the registering officer to the Master Attendant at Bombay.

VI. And it is hereby enacted, that the duty of marking or branding, and of ascertaining the burthen of, such vessels employed as aforesaid, fishing vessels and harbour craft, at Bombay, shall be performed by the Master Attendant; and at all other places, within the territories subject to the Government of Bombay, the duty of marking or branding, and of ascertaining the burthen of, such vessels employed as aforesaid, fishing vessels, and harbour craft, shall be performed by the Collector of Sea Customs at such places respectively; or by such other persons as shall be appointed by the Government of Bombay to act at such places respectively, in the execution of this Act.

VII.

VII. And it is hereby enacted, that the owner or owners of every such vessel employed as aforesaid, fishing vessel, and harbour craft, shall apply for and obtain a certificate of registry from the person authorized to make such registry as aforesaid, and such certificate shall be in the form specified in the Schedule appended to this Act; and in the case of any certificate being lost or destroyed, a renewed certificate may be obtained in the same manner, and on payment of the fees hereinafter mentioned.

VIII. And it is hereby enacted, that such certificate of registry shall be sealed with the seal of the East India Company, and shall be signed by the person authorized to make such registry.

IX. And it is hereby enacted, that such certificate shall be issued to every vessel employed as aforesaid, fishing vessel, and harbour craft as aforesaid, from the date of the expiration of the pass she is now furnished with:—the registrations with respect to fishing vessels and harbour craft, to take effect from the First of November, 1838.

X. And it is hereby enacted, that the owner or owners of such vessels, employed as aforesaid, (fishing vessels and harbour craft being excepted,)—on being registered as aforesaid, shall pay—

For each certificate of registry for a vessel not exceeding 20 Bombay candies burthen, the fee of.....	1 Rupee.
For each certificate for a vessel exceeding 20 such candies burthen, and not exceeding 100 candies burthen.....	5 Rupees.
For each certificate for a vessel exceeding 100 such candies burthen, and not exceeding 400 candies burthen,.....	7 Rupees.
And for each certificate for a vessel of 100 tons, or greater burthen, per ton, ...	2 Annas.

XI. And it is hereby enacted, that the person or persons so authorized to make such registry as aforesaid, shall receive the fees payable for the same, and shall pay such fees to such Officer as the Governor of Bombay in Council shall appoint; the same to be carried to the credit of the Government of Bombay.

XII. And it is hereby enacted, that the owner or owners or commander of every such vessel employed as aforesaid, fishing vessel, and harbour craft, shall produce, on demand thereof by any Officer of the Customs within the said territories, or by any Officer of the Indian Navy, the certificate so directed to be applied for and obtained, in respect of such vessel employed as aforesaid, fishing vessel, or harbour craft, as abovementioned.

XIII. And it is hereby enacted, that in case any such vessel employed as aforesaid, fishing vessel, or harbour craft, shall not be so marked or branded, in all respects, as hereinbefore directed; or in case the name and number of any such vessel employed as aforesaid, fishing vessel, or harbour craft, shall not be so painted, or shall not continue so painted, on such vessel employed as aforesaid, fishing vessel, or harbour craft, in all respects as hereinbefore directed; or in case any such vessel employed as aforesaid, fishing vessel, or harbour craft, shall not be furnished with such certificate as hereinbefore specified, or in case the owner or owners or commander of any such vessel employed as aforesaid, fishing vessel, or harbour craft, shall not produce such certificate on demand thereof as hereinbefore directed; the owner or owners of every such vessel employed as aforesaid, shall be subject to a fine of ten times the amount of the fees payable, in respect of the certificate of registry of such vessel, the same being a vessel for the certificate of the registration of which any fee is payable, and the owner or owners of any such fishing vessel, or harbour craft, shall be subject to a fine of ten Rupees; which fines may be recovered on conviction before any Magistrate, Justice of the Peace, or person exercising the powers of a Magistrate having jurisdiction within the said territories by sale of such vessel, fishing vessel, or harbour craft, her furniture, ammunition, tackle and apparel and such fines shall be payable as often as the owner or owners or commander of any such vessel employed as aforesaid, fishing vessel, or harbour craft, shall make such default as aforesaid, provided every such subsequent default be made after the expiration of one month from the date of the last conviction.

XIV. And it is hereby enacted, that the Governor of Bombay in Council may direct compensation for trouble and diligence in seizing such vessel employed as aforesaid, fishing vessel or harbour craft, guns, furniture, tackle, ammunition and apparel, as last mentioned to be made, out of the proceeds of such seizure, to the person or persons who shall have seized the same, to such amount, in such manner, and in such shares or proportions, as to the said Governor in Council shall seem meet.

XV. And it is hereby enacted, that from the First day of November, 1838, a certificate from the Marine Paymaster at Bombay, or from the Boat Master at Bombay, shall not be required in order to enable any person or persons to obtain a port clearance for any vessel at the Custom House of Bombay.

SCHEDULE.

This is to certify, that (here insert the names, occupation, and residence of the owners) having declared, that (he or they) are sole owner or owners of the vessel (fishing vessel or harbour craft) called (the name) which is of the burthen of (number of Bombay candies) and that the said vessel (fishing vessel or harbour craft) was (where and when built) the said vessel (fishing vessel or harbour craft) has been duly registered at the port of (name of port). Certified under my hand. (Signature of Officer.)

ACT No. XX. OF 1838.

Passed by the Hon'ble the President of the Council of India in Council, on the 27th August, 1838.

I. IT is hereby enacted, that from the First day of October next, Section VIII. Act XVII. 1837, be repealed.

II. And it is hereby enacted, that when there is no Bhangee Post established on any line of road, letters and packets exceeding in weight 12 Tolas, and not exceeding 40 Tolas, shall be received by Post Masters for transmission by the Letter Post under the Rules which follow.

First. If the letter or packet received for despatch be of the description specified in heads Nos. 1, 2 and 3 of the Schedule A, annexed to Act XVII. of 1837, the postage duty thereon shall be levied by rateable increase, as declared and provided in the said heads of the said Schedule, and the Post Masters shall forward every such letter or packet on the same terms, the Postage charge being rateably increased, as is provided in the said Act for letters and packets not exceeding 12 Tolas in weight.

Second. If any packets exceeding 12 Tolas in weight, and not exceeding 40 Tolas, when so brought for despatch along a road where there is no regular Bhangee Post established, be certified by attestation written on the cover, not to contain any of the things specified as subject to rateable postage duty under heads Nos. 1, 2 and 3 of the said Schedule, and further, if it be so certified that such packets do not contain any writing in contravention of Sections IX. and X. Act XVII. of 1837, every such packet shall in like manner be forwarded by the Letter Post being charged with duty as specified and prescribed in Table 4, Schedule A. for Bhangee Parcels. Provided, however, that it shall be in the power of the Post Master at the place of delivery to proceed for the discovery of any fraud or contravention of the law in respect of all packets, so conveyed by the letter post at Bhangee postage rates, in the manner prescribed in Section XXX. Act XVII. 1837. Provided, also, that Government shall not be responsible for any loss or damage which may occur in respect of any thing entrusted to the Post Master for conveyance by virtue of this Act, and that no person employed by the Government in the Post Office Department shall be responsible for any such loss or damage unless such person has caused such loss or damage maliciously or fraudulently.

III. And it is hereby enacted, that if packets exceeding 40 Tolas in weight be brought for despatch by the letter post at Bhangee rates, the same may be forwarded under the rules and restrictions prescribed in the preceding Section of this Act: provided, however, that the transmission of such over-weight packets shall always be discretional with the Post Master to whom they may be brought for despatch, to forward them at such times and in such manner as may be convenient.

IV. And it is hereby enacted, that no packet brought for despatch by Bhangee Post shall be returned from any Post Office on the ground that the Bhangee Post has not been laid for the whole distance to the place of delivery.

V. And it is hereby enacted, that, except as hereinafter is mentioned, if any person wilfully certify or cause to be certified by writing on any letter, cover, or packet delivered at any Post Office for conveyance by Post what is not true in respect of such letter or packet, or in respect of its contents, for the purpose of defrauding the Post Office Revenue, every such person shall, on conviction, be subject to a fine of 50 Rupees for every such offence. And.

VI. And it is hereby enacted, that whoever shall send, or cause to be sent by the Government Post any packet under the Provisions of this Act of the description mentioned in Table 2 of Schedule A, Act No. XVII. A. D. 1837, which shall contain any writing whatever other than writing which is necessarily part of the documents which such packet is stated to contain by attestation on the cover of such packet, knowing that it contains any writing not necessarily part of the documents which such packet is stated to contain by attestation on the cover, shall be punished with a fine of 50 Rupees.

VII. And it is hereby enacted, that whoever shall send, or cause to be sent by the Government Post, under the Provisions of this Act, any Packet of the description mentioned in Table 3 of Schedule A, Act No. XVII. A. D. 1837, which shall contain any writing whatsoever except the direction on the cover, knowing that it contains any writing other than the direction on the cover, shall be punished with a fine of 50 Rupees.

VIII. And it is hereby enacted, that all fines incurred on account of letters or packets sent by the Letter Post or by the Bhangee Post in contravention of the Provisions of Sections IX. and X. of Act XVII. of 1837, as well as all fines by this Act authorized to be imposed, shall be demanded from the parties liable thereto by notice in writing from the Post Master General, or from any Post Master, and if not paid upon such demand, the same shall, upon conviction of the offender before any Magistrate for the place where the party charged may be residing, be levied, together with the costs attending the information and conviction, by distress and sale of the Goods and Chattels of the party or parties offending, by warrant under the hand of such Magistrate. And if upon the return of such warrant, it shall appear that no sufficient distress can be had thereon, then it shall be lawful for any such Magistrate by warrant under his hand and seal to cause such offender or offenders to be committed to prison, there to remain for the space of two calendar months, unless such fines and all reasonable charges attending the same shall be sooner paid and satisfied.

IX. And it is hereby enacted, that it shall be lawful for the Post Master to detain any letter or packet in respect of which any party shall become liable to fine for a contravention of Sections IX. and X. of Act XVII. 1837, or of any of the Provisions of this Act, until the fine and all reasonable charges attending the same shall have been duly paid.

ACT No. XXI. OF 1838.

Passed by the Hon'ble the President of the Council of India in Council, on the 27th August, 1838.

I. IT is hereby enacted, that it shall be lawful for the Governor General of India in Council, in his executive capacity, to direct the Coinage and issuing of any Silver Coins, of a value represented in even annas or sixteenths of the Company's Rupee, provided they be of the same standard as that prescribed for such Rupee by the Act No. XVII. of 1835, and of proportionate weight.

II. And it is hereby enacted, that the provisions of Act No. XVII. of 1835 and of Act No. XXXI. of 1837, applicable to the devices, inscriptions, and embellishments of the Coins coined and issued by virtue of the Act No. XVII. of 1835, shall be applicable to the Coins which may be coined and issued by virtue of this Act.

ACT No. XXII. OF 1838.

Passed by the Hon'ble the President of the Council of India in Council, on the 10th September, 1838.

I. IT is hereby enacted, that from the First day of October 1838, it shall be competent to the Zillah and City Judges, in the Territories subject to the Presidency of Fort William in Bengal, to receive a Summary Appeal from the orders or decrees of the Moonsiffs subordinate to them, in cases in which such Moonsiffs may have refused to admit any suit regularly cognizable by them, or may have dismissed, on the ground of delay, informality, or other default, without an investigation of the merits of the case, any such suit which they may have admitted, or any suit regularly referred to them.

II. And it is hereby enacted, that the provisions contained in the Fifth and Six following Clauses of Section III. Regulation XXVI. of 1814, and Section II. Regulation XII. of 1833, and Section VII. Regulation IX. of 1831 of the Bengal Code, shall apply to the Summary Appeals preferred under the authority of this Act.

ACT No. XXIII. OF 1838.

Passed by the Hon'ble the President of the Council of India in Council, on the 17th September, 1838.

IT is hereby enacted, that so much of Section III. Regulation IV. of 1831 of the Madras Code, as saves and excepts the liability to attachment or sequestration in certain cases of the grants mentioned in Section II. of the said Regulation, be repealed; and that such grants shall not be liable to attachment or sequestration in satisfaction of any decree or order of Court whatever.

ACT No. XXIV. OF 1838.

Passed by the Hon'ble the President of the Council of India in Council, on the 24th September 1838.

IT is hereby enacted, that Section III. of Act XIX. of 1836, together with any other provisions of that Act which prescribe or imply, that the Capital Stock of the Bank of Bengal shall not exceed seventy-five Lakhs of Rupees, shall from this day be repealed.

II. And it is hereby enacted, that it shall be lawful for the Governor General of India in Council, whenever he shall see fit from time to time, by an Order to be notified in the *Calcutta Gazette*, to authorize the Capital Stock of the said Bank to be increased, and to make such order and direction for the opening of subscriptions towards such increase of Capital as to him may seem fit, giving due notice to the Proprietors of the said Bank for the time being, and allowing to them a period of not less than eighteen months to fill up such subscriptions.

III. And it is hereby enacted, that whenever such increase of Capital Stock of the Bank of Bengal shall be ordered by the Governor General of India in Council, the Proprietors entitled to share therein, shall not be debarred of the right to subscribe for the new Stock in the proportion of the shares they may be legally holding by reason of any limit to the quantity of Stock which a single Proprietor may hold that may be imposed by the Provisions of the Charter of the Bank, or by any Clause or Provision contained in Act No. XIX. of 1836.

IV. And it is hereby enacted, that it shall be lawful for the Governor General of India in Council, when he shall direct an increase to be made of the Capital Stock of the Bank of Bengal, to prescribe that the subscriptions shall be made upon each share respectively, in any given proportion to the amount of Stock represented by such share and after subscription made at any time within the period of notice prescribed in Section II. of this Act, to permit the amount subscribed on account of any share or shares to be paid up and annexed to the Capital Stock of the Bank in such manner and at such dates as may be deemed most convenient and proper, and likewise to prescribe that the amount of new Capital that may not be subscribed for by Proprietors within the period of eighteen months so specified, shall be sold by Auction by an Officer of the Bank for the benefit of the said Bank, on some early date, after the close of such period, and that the proceeds of such sale shall be at the disposal of the Proprietors of the Bank by Resolution duly passed at their General Meetings, any thing in the existing Charter of the said Bank regarding the method of taking the subscriptions of new Capital to the contrary notwithstanding.

V. And it is hereby enacted, that it shall be lawful for the Governor General of India in Council at the time of ordering any increase of the Capital Stock of the Bank of Bengal, to reserve the portion of such increase that may belong to Government by reason of its share of the Capital of the said Bank, and to fix any date within the period of eighteen months above specified, as that before which it shall be finally declared, whether the Government will take the share of new Stock to which it is so entitled, or will refuse the same, and in case of refusal by Government to take its share of new Stock, such Stock shall not be sold on account of the Proprietors at large as above provided for Stock not subscribed for by other Proprietors, but the amount to which the Government may be so entitled shall not be raised, and if the Government shall determine to subscribe for the share of new Capital to which it is entitled, it shall be lawful for the Governor General of India in Council, either to retain the same, or to order the sale of such new Stock or any portion thereof on account of Government in such manner and at such times as to him may seem fit.

ACT No. XXV. OF 1838.

Passed by the Hon'ble the President of the Council of India in Council, on the 8th October, 1838.

I. IT is hereby enacted, that the words and expressions hereinafter mentioned shall in this Act, except where the nature of the provision or the context of the Act, shall exclude such construction, be interpreted as follows; (that is to say) the word " will " shall extend to a testament, and to a codicil, and to an appointment by will or by writing in the nature of a will in exercise of a power, and also to a disposition by will and testament of devise of the custody and tuition of any child by virtue of an Act passed in the twelfth year of the reign of King Charles the Second, intituled "An Act for taking away the Court of Wards and liveries, " and tenures *in capite* and by Knight's service and purveyance, and for settling a " revenue upon His Majesty in lieu thereof," or by virtue of an Act passed in the Parliament of Ireland in the fourteenth and fifteenth years of the reign of King Charles the Second, intituled "An Act for taking away the Court of Wards and " liveries, and tenures *in capite* and by Knight's service," and to any other testamentary disposition, and the words "real estate" shall extend to messuages, lands, rents and hereditaments whether corporeal, incorporeal or personal, and to any undivided share thereof and to any estate, right or interest (other than a chattel interest) therein, and the words "personal estate" shall extend to leasehold estates and other chattels real, and also to monies, shares of Government and other funds, securities for money (not being real estates), debts, choses in action, rights, credits, goods, and all other property whatsoever which by law devolves upon the executor or administrator, and to any share or interest therein; and every word importing the singular number only shall extend and be applied to several persons or things as well as one person or thing, and every word importing the masculine gender only shall extend and be applied to a female as well as a male.

II. And it is hereby enacted, that an Act passed in the thirty-second year of the reign of King Henry the Eighth, intituled "The Act of Wills, Wards and " primer seisins, whereby a man may devise two parts of his land;" and also an Act passed in the thirty-fourth and thirty-fifth years of the reign of the said King Henry the Eighth, intituled "The Bill concerning the explanation of Wills," and also an Act passed in the Parliament of Ireland in the tenth year of the reign of King Charles the First, intituled "An Act how Lands, Tenements, &c. may be " disposed by will or otherwise, and concerning wards and primer seisins;" and also so much of an Act passed in the twenty-ninth year of the reign of King Charles the Second, intituled "An Act for prevention of Frauds and Perjuries;" and of an Act passed in the Parliament of Ireland in the seventh year of the reign of King William the Third, intituled "An Act for prevention of Frauds and Perjuries as " relates to devises or bequests of lands or tenements, or to the revocation or altera- " tion of any devise in writing of any lands, tenements or hereditaments, or any clause " thereof, or to the devise of any estate *pur autre vie*, or to any such estate being " assets, or to nuncupative wills, or to the repeal, altering or changing of any will " in writing concerning any goods or chattels or personal estate, or any clause, de- " vise or bequest therein;" and also so much of an Act passed in the fourth and fifth years of the reign of Queen Anne, intituled "An Act for the amendment of the " Law and the better advancement of Justice;" and of an Act passed in the Parliament of Ireland in the sixth year of the reign of Queen Anne, intituled "An Act " for the amendment of the Law and the better advancement of justice" as relates to witnesses to nuncupative wills; and so far as the following Acts may be construed

to

to have any operation within the territories of the East India Company, so much of an Act passed in the fourteenth year of the reign of King George the Second, intituled "An Act to amend the Law concerning common recoveries," and to explain and amend an Act made in the twenty-ninth year of the reign of King Charles the Second, intituled " An Act for prevention of frauds and perjuries" as relates to estates *pur autre vie* ; and also an Act passed in the twenty-fifth year of the reign of King George the Second, intituled "An Act for avoiding and putting an end to " certain doubts and questions relating to the attestation of wills and codicils con- " cerning real estates in that part of Great Britain called England, and in His Ma- " jesty's colonies and plantations in America," except so far as relates to His Majesty's colonies and plantations in America, and also an Act passed in the Parliament of Ireland in the same twenty-fifth year of the reign of King George the Second, intituled "An Act for the avoiding and putting an end to certain doubts and questi- " ons relating to the attestations of wills and codicils concerning real estates," shall from the passing of this Act cease to have effect in the territories of the East India Company, except so far as the same Acts or any of them respectively relate to any wills or estates *pur autre vie* to which this Act does not extend.

III. And it is hereby enacted, that this Act shall only extend to the wills of persons whose personal property cannot by the Law of England pass to their representatives without Probate or Letters of Administration obtained in one of Her Majesty's Supreme Courts of Judicature, and that the Statutes and parts of Statutes aforesaid are only repealed as far as they relate to the succession to the property of such persons.

IV. And it is hereby enacted, that it shall be lawful for every person to devise, bequeath or dispose of by his will executed in manner hereinafter required, all real estate and all personal estate which he shall be entitled to, either at Law or in Equity, at the time of his death, and which, if not so devised, bequeathed or disposed of, would devolve upon the heir at law of him, or, if he become entitled by descent, of his ancestor, or upon his executor or administrator, and that the power hereby given shall extend to all estates *pur autre vie*, whether there shall or shall not be any special occupant thereof, and whether the same shall be a corporeal or an incorporeal hereditament, and whether the same shall be freehold or of any other tenure, and also to all contingent, executory or other future interests in any real or personal estate, whether the testator may or may not be ascertained as the person or one of the persons in whom the same respectively may become vested, and whether he may be entitled thereto under the instrument by which the same respectively were created ; or under any disposition thereof by deed or will; and also to all rights of entry for conditions broken, and other rights of entry, and also to such of the same estates, interests, and rights respectively, and other real and personal estate as the testator may be entitled to at the time of his death, notwithstanding that he may become entitled to the same subsequently to the execution of his will.

V. And it is hereby enacted, that no will made by any person under the age of twenty-one years shall be valid.

VI. Provided also, and it is hereby enacted, that no will made by any married woman shall be valid, except such a will as might have been made by a married woman before the passing of this Act.

VII. And it is hereby enacted, that no will shall be valid unless it shall be in writing and executed in manner hereinafter mentioned ; (that is to say) it shall be signed at the foot or end thereof by the testator or by some other person in his presence and by his direction, and such signature shall be made or acknowledged by the testator in the presence of two or more witnesses present at the same time, and such witnesses shall subscribe the will in the presence of the testator, but no form of attestation shall be necessary.

VIII. And it is hereby enacted, that no appointment made by will in exercise of any power, shall be valid, unless the same be executed in manner hereinbefore required ; and every will executed in manner hereinbefore required shall, so far as respects the execution and attestation thereof, be a valid execution of a power of appointment by will, notwithstanding that it shall have been expressly required that a will made in exercise of such power should be executed

with

with some additional or other form of execution or solemnity.

IX. And it is hereby enacted, that every will executed in manner hereinbefore required, shall be valid without any other publication thereof.

X. And it is hereby enacted, that if any person who shall attest the execution of a will, shall at the time of the execution thereof, or at any time afterwards, be incompetent to be admitted a witness to prove the execution thereof, such will shall not on that account be invalid.

XI. And it is hereby enacted, that if any person shall attest the execution of any will, to whom or to whose wife or husband any beneficial devise, legacy, estate, interest, gift or appointment of or effecting any real or personal estate (other than and except charges and directions for the payment of any debt or debts) shall be thereby given or made, such devise, legacy, estate, interest, gift or appointment shall, so far only as concerns such person attesting the execution of such will, or the wife or husband of such person, or any person claiming under such person or wife or husband, be utterly null and void, and such person so attesting shall be admitted as a witness to prove the execution, or to prove the validity or invalidity thereof, notwithstanding such devise, legacy, estate, interest, gift or appointment mentioned in such will.

XII. And it is hereby enacted, that in case by any will, any real or personal estate shall be charged with any debt or debts, and any creditor, or the wife or husband of any creditor, whose debt is so charged shall attest the execution of such will, such creditor, notwithstanding such charge, shall be admitted a witness to prove the execution of such will, or to prove the validity or invalidity thereof.

XIII. And it is hereby enacted, that no person shall, on account of his being an executor of a will, be incompetent to be admitted a witness to prove the execution of such will, or a witness to prove the validity or invalidity thereof.

XIV. And it is hereby enacted, that every will made by a man or woman shall be revoked by his or her marriage (except a will made in exercise of a power of appointment, when the real or personal estate thereby appointed would not in default of such appointment pass to his or her heir, executor or administrator, or the person entitled as his or her next of kin, under the Statute of Distributions).

XV. And it is hereby enacted, that no will shall be revoked by any presumption of an intention on the ground of an alteration in circumstances.

XVI. And it is hereby enacted, that no will or codicil, or any part thereof shall be revoked otherwise than as aforesaid, or by another will or codicil executed in manner hereinbefore required, or by some writing declaring an intention to revoke the same, and executed in the manner in which a will is hereinbefore required to be executed, or by the burning, tearing or otherwise destroying the same by the testator or by some person in his presence and by his direction with the intention of revoking the same.

XVII. And it is hereby enacted, that no obliteration, interlineation or other alteration made in any will after the execution thereof, shall be valid or have any effect, except so far as the words or effect of the will before such alteration shall not be apparent, unless such alteration shall be executed in like manner as hereinbefore is required for the execution of the will; but the will, with such alteration as part thereof, shall be deemed to be duly executed, if the signature of the testator and the subscription of the witnesses be made in the margin or some other part of the will opposite or near to such alteration, or at the foot or end of, or opposite or near to such alteration, or at the foot or end of, or opposite to a memorandum referring to such alteration, and written at the end or some other part of the will.

XVIII. And it is hereby enacted, that no will or codicil, or any part thereof, which shall be in any manner revoked, shall be revived otherwise than by the re-execution thereof, or by a codicil executed in a manner hereinbefore required, and shewing an intention to revive the same, and when any will or codicil which

shall

shall be partly revoked and afterwards wholly revoked, shall be revived, such revival shall not extend to so much thereof as shall have been revoked before the revocation of the whole thereof, unless an intention to the contrary be shown.

XIX. And it is hereby enacted, that no conveyance or other act made or done subsequently to the execution of a will of, or relating to any real or personal estate therein comprised, except an act by which such will shall be revoked as aforesaid shall prevent the operation of the will with respect to such estate or interest in such real or personal estate as the testator shall have power to dispose of by will at the time of his death.

XX. And it is hereby enacted, that every will shall be construed, with reference to the real estate and personal estate comprised in it, to speak and take effect as if it had been executed immediately before the death of the testator, unless a contrary intention shall appear by the will.

XXI. And it is hereby enacted, that unless a contrary intention shall appear by the will, such real estate and interest therein as shall be comprised or intended to be comprised in any devise in such will contained, which shall fail or be void by reason of the death of the devisee in the life time of the testator, or by reason of such devise being contrary to law, or otherwise incapable of taking effect shall be included in the residuary devise (if any) contained in such will.

XXII. And it is hereby enacted, that a general devise of the real estate of the testator, or of the real estate of the testator in any place or in the occupation of any person mentioned in his will, or otherwise described in a general manner, shall be construed to include any real estate, or any real estate to which such description shall extend (as the case may be) which he may have power to appoint in any manner he may think proper, and shall operate as an execution of such power, unless a contrary intention shall appear by the will, and in like manner a bequest of the personal estate of the testator, or any bequest of personal estate described in a general manner shall be construed to include any personal estate, or any personal estate to which such description shall extend (as the case may be) which he may have power to appoint in any manner he may think proper and shall operate as an execution of such power, unless a contrary intention shall appear by the will.

XXIII. And it is hereby enacted, that where any real estate shall be devised to any person without any words of limitation, such devise shall be construed to pass the fee simple, or other the whole estate or interest which the testator had power to dispose of by will in such real estate, unless a contrary intention shall appear by the will.

XXIV. And it is hereby enacted, that in any devise or bequest of real or personal estate the words "die without issue," or "die without leaving issue," or any other words which may import either a want or failure of issue of any person in his life time, or at the time of his death, or an indefinite failure of his issue, shall be construed to mean a want or failure of issue in the life time or at the time of the death of such person, and not an indefinite failure of his issue. unless a contrary intention shall appear by the will, by reason of such person having a prior estate tail, or of a preceding gift being, without any implication arising from such words, a limitation of an estate tail to such person or issue, or otherswise; Provided, that this Act shall not extend to cases where such words as aforesaid import, if no issue described in a preceding gift shall be born, or if there shall be no issue who shall live to attain the age, or otherwise answer the description required for obtaining a vested estate by a preceding gift to such issue.

XXV. And it is hereby enacted, that where any real estate shall be devised to any trustee or executor, such devise shall be construed to pass the fee simple or other the whole estate or interest which the testator had power to dispose of by will in such real estate, unless a definite term of years, absolute or determinable or an estate of freehold, shall thereby be given to him expressly or by implication.

XXVI. And it is hereby enacted, that where any real estate shall be devised to

a trustee without any express limitation of the estate to be taken by such trustee, and the beneficial interest in such real estate, or in the surplus rents and profits thereof shall not be given to any person for life, or such beneficial interest shall be given to any person for life, but the purposes of the trust may continue beyond the life of such person, such devise shall be construed to vest in such trustee the fee simple, or other the whole legal estate which the testator had power to dispose of by will in such real estate and not an estate determinable when the purposes of the trust shall be satisfied.

XXVII. And it is hereby enacted, that where any person to whom any real estate shall be devised for an estate tail or an estate in quasi entail, shall die in the life time of the testator, leaving issue who would be inheritable under such entail, and any such issue shall be living at the time of the death of the testator, such devise shall not lapse, but shall take effect as if the death of such person had happened immediately after the death of the testator, unless a contrary intention shall appear by the will.

XXVIII. And it is hereby enacted, that where any person being a child or other issue of the testator to whom any real or personal estate shall be devised or bequeathed for any estate or interest not determinable at or before the death of such person, shall die in the life time of the testator leaving issue, and any such issue of such person shall be living at the time of the death of the testator, such devise or bequest shall not lapse, but shall take effect as if the death of such person had happened immediately after the death of the testator, unless a contrary intention shall appear by the will.

XXIX. And it is hereby enacted, that notwithstanding any thing in this Act contained, any Soldier being in actual Military Service, or any Mariner or Seaman being at sea, may dispose of his personal estate as he might have done before the making of this Act.

XXX. And it is hereby enacted, that nothing in this Act contained shall be construed to repeal the provisions of Act. No- XX. of 1837, whereby immoveable property situate within the jurisdiction of the Court of Judicature of Prince of Wales' Island, Singapore and Malacca transmitted by the last will of any person having a beneficial interest in the same is taken to be and to have been of the nature of chattels real and not of freehold as regards such transmission, provided that such will shall be executed and construed as a will of chattels real is to be executed and construed by virtue of this Act.

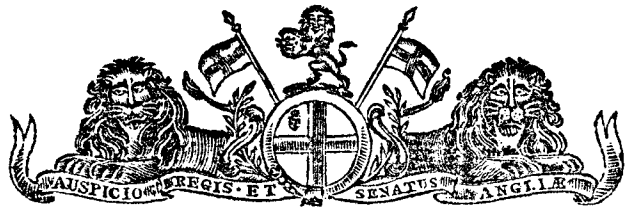
XXXI. And it is hereby enacted, that this Act shall not extend to any will made before the First day of February, in the year of our Lord 1839, and that every will re-executed or re-published or revived by any codicil shall for the purposes of this Act be deemed to have been made at the time at which the same shall be so re-executed, re-published, or revived; and that this Act shall not extend to any estate *pur autre vie* of any person who shall die before the First day of February in the year of our Lord 1839.

ACT No. XXVI. OF 1838.

Passed by the Hon'ble the President of the Council of India in Council, on the 8th October 1838.

I. IT is hereby enacted, that it shall be henceforth be lawful for the Governor in Council of the Presidency of Fort St. George to direct, that all or any persons committed by the Principal Sudder Ameen of Sirsee for trial before the Court of Circuit for the Western Division of the Territories subject to that Presidency, shall be tried at the Sessions of Jail Delivery to be held at Honore.

II. And it is hereby enacted, that it shall henceforth be lawful for the Governor in Council of the Presidency of Fort St. George, to direct, that all or any persons committed by any Principal Sudder Ameen for trial before the Court of Circuit shall be tried at any Sessions of Jail Delivery to be held at any Station within the Zillah to which the Court of such Principal Sudder Ameen may be attached.



ACT No. XXVII. OF 1838.

Passed by the Hon'ble the President of the Council of India in Council, on the 22nd October, 1838.

I. IT is hereby enacted, that so much of Clause I, Section XVIII. Regulation V. of 1831 of the Bengal Code. as provides that no suit be referred to a Principal Sudder Ameen in which the Vakeels or Officers of his Court shall be a party, is hereby repealed.

II. And it is hereby enacted, that in cases where, by reason of the above Clause, a suit cannot be referred to a Sudder Ameen, because he himself or his relatives or dependents are a party to the suit, and where the Zillah and City Judges cannot refer such suit to be tried by any other competent authority, it shall be lawful for each of the Courts of Sudder Dewanny Adawlut within the Territories subject to the Presidency of Fort William in Bengal to direct, by an order authenticated by the official signature of their Register, that the cognizance of such suit shall be transferred to any other Zillah or City Court subordinate to the same Court of Sudder Dewanny Adawlut —and the Judge of such other Zillah or City Court may thereupon refer such suit in the same manner as if the same had been originally instituted in the Court of such other Zillah or City.

ACT No. XXVIII. OF 1838.

Passed by the Hon'ble the President of the Council of India in Council, on the 5th November, 1838.

IT is hereby enacted, that where any person or persons shall be convicted at any Sessions of Oyer and Terminer or Gaol Delivery, that shall be holden for any of the Presidencies of Fort William, Fort St. George, the Presidency or Island of Bombay, or for Prince of Wales' Island, Singapore, or Malacca, of the crime of Perjury, it shall be lawful for the Court, before which any person shall be so convicted, to order and adjudge such person to be transported to such place as the Court shall direct for life or for any term of years, or to be imprisoned for any term not exceeding four years with or without hard labour and with solitary confinement for such portion or portions of the said term as such Court shall think fit, not exceeding one month at a time or three months within the period of one year. Provided, that it shall not be lawful for any such Court to order the transportation of any person, being a native of the East Indies and not born of European parents, to the Eastern Coast of New South Wales or any of the Islands adjacent thereto.

ACT No. XXIX. OF 1838.

Passed by the Hon'ble the President of the Council of India in Council, on the 12th November 1838.

IT is hereby enacted, that from the First day of December 1838, Sections LIX., LX. and LXI. Regulation X. 1819, of the Bengal Code, shall be repealed.

II. And it is hereby enacted, that when information shall be given to any Salt Agent or Superintendent of Salt Chokies that contraband Salt is stored in any warehouse, dwelling house, or other place situated in the tract of country in Bengal or Orissa, within which the transportation of Salt without Ruwana is not lawful, and such Salt Agent or Superintendent of Salt Chokies shall deem the information credible and desire to act thereupon, he shall require the same to be given to him in writing, or shall take the deposition of the informant, as may be most convenient, so that the following particulars shall be placed on record in his office—First, the name, profession and place of residence of the informant. Second, the place, that is, the name of the town or village, and description of the house, warehouse or other place where the Salt may be stated to be in store.—Thirdly, the name of the person to whom the house, warehouse, or other place belongs, or on account of, or by whom the Salt is there stored. Fourthly, the quantity and description of the Salt, and the grounds for believing the same to be contraband.

III. And it is hereby enacted, that if the contraband Salt so stated to be in store exceed in quantity one maund or Indian mun, it shall be liable to seizure in manner following, that is to say, the Salt Agent or Superintendent of Chokies, having before him the written statement or deposition of an informer, given in or taken down as above prescribed, shall, provided the place of such store be not too distant, proceed in person, together with the informant, summoning by written notice the nearest Police Darogha or other Officer in charge of the Police Thana or Station to attend likewise, and witness the proceeding.

IV. And it is hereby enacted, that for the purpose of making seizure of Salt in store so informed against, it shall be competent to any Salt Agent or Superintendent, having a Police Officer in company, to break open the door of the house, warehouse, or other place in which the Salt may be stated to be stored, if, upon requisition duly made, the door be not immediately opened by the owner or occupant thereof.

V. And it is hereby enacted, that if the Salt Agent or Superintendent shall not be able to proceed in person to make a seizure of Salt in manner above provided, he shall send along with the informer one or more confidential Officers of his public establishment, not being under the rank of a Jemadar of Peons, giving to such Officer or Officers his warrant, ordering and authorizing the seizure, and sending notice as above prescribed for the Police Darogha or other Police Officer to attend, and the Officer so deputed shall have power to act in like manner as is provided for the Agent or Superintendent in person; provided that the door of no house, warehouse, or other place, shall be broken open to make a seizure of Salt except in the presence of a Salt Agent or Superintendent of Chokies, or of an Officer so specially deputed, and of an Officer of Police.

VI. And it is hereby enacted, that it shall be competent to the Head Officer of any Salt Chokies or Aurung for the manufacture of Salt, and for any Assistant to a Salt Agent or Superintendent, to receive information of Salt exceeding one maund in quantity being in store in a house, warehouse, or other place in the manner prescribed in Section II. and to act thereupon as provided in Sections III. and IV. of this Act for the Salt Agent and Superintendent, provided that the place of store described in such information be situated at a distance of more than three kos from the station of a Salt Agent or Superintendent of Chokies, or from the place where the Salt Agent or Superintendent may be.

VII. And it is hereby enacted, that if the Darogha or person in charge of any Police Thana or Station, receiving notice to attend at a seizure of Salt in store as is above prescribed, shall not attend, or attending shall refuse to act in aid of the seizures, or shall in any way wilfully frustrate the object of the search and seizure, such Darogha or other Officer shall, on representation of the facts by the Officers of the Salt Department, and on conviction of the same before the Magistrate of the District, besides being dismissed from office, be liable to a fine equal to the amount of fine that would have been leviable on the owners of the Salt, if it had been seized according to the information laid.

VIII. And it is hereby enacted, that whenever it shall be necessary to break open any house, warehouse or other place to effect a seizure of Salt, the rules and precautions prescribed in Regulation XX. of 1817, and Section X. Regulation VII. of 1799 of the Bengal Code, for breaking into a house for execution of process of distraint, shall always be observed by the Police Officers in attendance; provided however, that the responsibility for the act, and the determination whether to require the door to be broken open or not shall rest with the Officers of the Salt Department only.

IX. And it is hereby enacted, that whenever a seizure of Salt in store in any house, warehouse or other place shall be made by a Salt Agent or Superintendent of Chokies, the circumstances which attended the seizure shall be recorded in an official proceeding to be placed on record in the office.

X. And it is hereby enacted, that if the seizure be made by an Officer of the Salt Department, other than an Agent or Superintendent of Chokies, such Officer shall report the circumstances within twenty-four hours to his official Superior; and the Police Officer in attendance shall likewise report the occurrences at the time of seizure to his official Superior.

XI. And it is hereby enacted, that no Salt found in store in any house or warehouse shall be deemed to be contraband, or shall be liable to seizure, unless, when the search is made, there shall be found more thereof than one maund or Indian mun, and the owner or person in charge shall be unable to account satisfactorily for the manner of its being in his possession.

XII. And it is hereby enacted, that whenever Salt shall be seized as contraband, because unaccompanied by any Ruwana or other protecting document, the person or persons conveying, or having in charge the same shall be apprehended; and all Officers who are empowered to seize Salt under the provisions of Regulation X. 1819 of the Bengal Code, shall likewise be competent to arrest the parties found with or having the Salt in possession.

XIII. And it is hereby enacted, that it shall be lawful for the Salt Agents and Superintendents of Chokies and other Officers who may be duly empowered to seize Salt, to stop and search any boats or vessels of a build adapted for sea navigation that may be found within the limits described in Section XXXIII. of this Act; and if Salt shall be found thereon, not accompanied by the necessary Ruwana or other protecting document, to detain the vessel with the crew thereof, and to take them for adjudication of the case to the nearest accessible station of an Officer empowered to adjudicate cases of contravention of the Salt Law.

XIV. And it is hereby enacted, in modification of Section XXXVI. Regulation X. of 1819 of the Bengal Code, that if any person shall be found in the act of conveying Salt without Ruwana, or other protecting document, exceeding in quantity five seers of 80 tolahs to the seer, within the tract of country in Bengal or Orissa wherein the transportation of Salt is prohibited unless so protected, or if several persons be found carrying Salt so unprotected, in gangs or companies, which Salt shall exceed in the whole quantity five seers for each person in such gang or company, every such person shall be subject to the penalties prescribed by Regulation X. of 1819 aforesaid, and by this Act, for the illegal possession and transportation of Salt.

XV. And it is hereby enacted, in modification of Section CXXI. of Regulation X. 1819 aforesaid, that any person or persons, who may be convicted of

smuggling Salt without Ruwana singly or in gang, and sentenced to pay a fine to Government on account of Salt so smuggled or attempted to be smuggled, shall, if the fine be not paid, be liable to imprisonment in the Criminal or Foujdaree jail, for a period not exceeding six months in commutation of such fine.

XVI. And it is hereby enacted, in further modification of Section CXXI. of Regulation X. 1819 aforesaid, that any person, who may be sentenced under Sections XXXI., LXVIII. and LXX. of the said Regulation, to imprisonment in addition to fine, for the offences described in those Sections respectively, shall in like manner be liable, as above provided for persons convicted of gang smuggling, to undergo such punishment in the Foujdaree jail: and cases of the kind described in the said Sections shall be adjudicated, in like manner as cases in which fine only is adjudged: and the warrant of the Officer adjudicating any case under this or the preceding Section of this Act, shall be authority for the Magistrate, or other person in charge of the Foujdaree jail, to hold the person described therein in confinement in such jail, as may be specified and required in the said warrant.

XVII. And it is hereby enacted, that when any person shall be convicted of gang smuggling, or of any of the offences described in Sections XXXI. and LXX. of Regulation X. of 1819 aforesaid, after having been previously convicted of a like offence, he shall be sentenced, in addition to the penalty attaching to such offence, to imprisonment in the Foujdaree jail for a period of six months, and a like punishment of six months imprisonment shall be incurred, in addition to the punishment which may be inflicted for a first offence, upon every subsequent conviction after the second.

XVIII. And it is hereby enacted, that it shall be lawful for any Salt Agent to proceed for the recovery of any balance that may be due to Government within the year, upon any contract made for the manufacture of Salt in the limits of his Agency by the process of distraint; and for the demand and levy of the same, to exercise the powers vested by the Regulations and Acts of the Government in zemindars and sudder farmers, being subject to like restrictions, and with the like remedies to any parties aggrieved thereby.

XIX. And it is hereby enacted, that if any person shall by threats or by violence prevent the lawful arrest of any person by an Officer duly authorized to seize Salt, or shall procure his release after arrest, or if the party found with the Salt in possession, or any other persons resist any such Officers, they shall severally and respectively be liable to the punishment prescribed in Section LVI. of Regulation X. 1819 of the Bengal Code.

XX. And it is hereby enacted, that if any Officer making an arrest upon account of Salt smuggling shall neglect to carry the person arrested to the proper Officer of the Salt Department, or shall delay to report the arrest to his superior, or shall release or connive at the escape of the person arrested, every such Officer shall, on conviction of any one of the above offences, besides dismissal from office, be liable to be sentenced for the same to a fine not exceeding 200 Rupees, and to imprisonment not exceeding three months; and the sentence may be adjudged by any Officer competent to adjudicate a forfeiture of contraband Salt, and, in case of nonpayment of the fine, to a further imprisonment not exceeding three months, at the discretion of the Officer deciding the case.

XXI. And it is hereby enacted, that whenever any person may be arrested by an Officer of the Salt Department, or by any other Officer of other Departments duly empowered to make a seizure of Salt, the person making the arrest shall be bound to carry the party arrested direct to the Officer of the Salt Department who may be competent to try the case; and no person so arrested shall be released, until the case shall have been brought to judgment in the manner provided by Law.

XXII. And it is hereby enacted, that if any Officer of the Salt Department be convicted before the Magistrate of any District, of having vexatiously and unnecessarily seized the goods of any person on the pretence of seizing or searching for Salt, or of having vexatiously and unnecessarily arrested any person, or of having stopped and detained any boat unnecessarily and without authority, or of having detained any boat longer than is necessary for the purpose of search, every such Officer shall, besides dismissal, be punished with imprisonment not exceeding six months, and with fine not exceeding 200 Rupees, commutable, if not paid, to a further imprisonment not exceeding six months.

XXIII. And it is hereby enacted, in modification of Section CXXII. Regulation X. of 1819 aforesaid, that if any person shall wilfully and maliciously give false information in respect to there being illicit Salt in store in any house or warehouse, and so procure that such house or warehouse shall be searched to the injury or vexation of the owners thereof, or of any other person or persons whatsoever, such false informer shall, on conviction of the offence before any Magistrate, be liable to imprisonment for two years, and to fine not exceeding 500 Rupees, at the discretion of any Magistrate by whom the case may be tried, and in case of the non-payment of the fine, to imprisonment for a further period of six months.

XXIV. And it is hereby enacted, that when parties shall be convicted of the illegal possession or transportation of Salt, and shall be liable to the penalty of five Rupees per maund as prescribed in Section XXXVI. Regulation X. of 1819 of the Bengal Code, the fine shall be at the said rate according to the quantity of Salt seized, whether less or more than one maund, and each one of the smugglers in company, or parties to the fraud on the Revenue, shall be liable to the whole fine.

XXV. And it is hereby enacted, that it shall be competent to the Governor or Deputy Governor of Bengal, to vest with the power of adjudicating cases of contravention of the Laws for protection of the Revenue derived from Salt, any Assistant to a Salt Agent, or Uncovenanted Superintendent of Salt Chokies, who may seem to him qualified; and such Officers, when invested with such powers, shall exercise them, subject to the same rules and restrictions as Covenanted Salt Agents and Superintendents of Chokies; provided that no Officer adjudicating cases of contravention of the Salt Revenue Laws shall receive any part of the rewards that may be decreed, or otherwise benefit directly by the adjudication of such cases.

XXVI. And it is hereby enacted that cases arising out of this Act shall be tried in the same manner as is prescribed in Regulation X. of 1819 of the Bengal Code for other cases of contravention of the Laws for the protection of the Revenue derived from Salt, and the Officer adjudicating the case shall be guided by the provisions of Sections C. to CXVI. of that Regulation; and the Judge of the City or Zillah shall be bound to proceed in respect to persons sentenced, to any fine or other penalty under the provision of this Act in the same manner, subject to the modifications and additions hereinafter provided, as is prescribed in respect to persons convicted of the offences and tried before the authorities specified and provided by the said Regulation.

XXVII. And it is hereby enacted, in modification of Clauses XXXII. and XXXIII. of Regulation X. 1819 of the Bengal Code, that it shall be the duty of every party under direct engagements with Government for the Land Revenue, either as a proprietor or farmer, and of every proprietor of lakhiraj lands upon whose zemindaree, farm or lakhiraj estate there shall be any works producing Salt, otherwise than under contract with a Salt Agent or on account of Government, to give notice of the same in writing to the nearest public Officer of Police or Land Revenue or of the Salt Department, within ten days from the date on which the works were first prepared, and in like manner it shall be the duty of every person employed in the collection of the Land Revenue of any Mahal on the part of Government, or of the Court of Wards, or of joint proprietors, to give like notice in respect to Salt manufactured on the lands under their management; and every such proprietor, farmer, proprietor of lakhiraj estate or manager, who shall knowingly omit to give such notice, shall be liable, on conviction before the Judge of any Zillah or City, to a fine of 500 Rupees, for every Khalaree or Salt Work established on his lands, and such knowledge shall not be required to be established by direct proof, but may be inferred from circumstances at the discretion of the Judge deciding the case; and any fine that may be adjudged under this Section shall be recoverable by distress and sale of the goods and chattels of the offender, or by process of execution taken out by any Salt Agent or Superintendent of Chokies in the manner provided for decrees of the Civil Courts.

XXVIII. And it is hereby enacted, in modification of Section LXIV. Regulation X. of 1819 aforesaid, and in addition thereto, that when there may be no direct proof of the unauthorized removal of Salt from any golah or place of Government store, sufficient to convict the parties concerned therein of theft within the provisions of the said Section, the Officer or Officers who may have been entrusted with the charge of such golah, or place of Government store, shall nevertheless be liable for the offence of embezzling the Salt of any store in their custody, the outturn of which shall, according to the accounts kept of receipts and deliveries, exhibit a deficiency

for which he or they may not duly account. And the Officer in charge of any golah or Salt store shall in like manner be deemed guilty of embezzlement if he has made away with, or shall not produce the true account of such store; and any person against whom the offence of embezzlement shall be established under this Section, shall be liable, on conviction before the Magistrate of the City or District, to be punished by fine and imprisonment under the general powers vested in the Zillah and City Magistrates.

XXIX. And it is hereby enacted, in addition to the Rules contained in Sections CXI., CXII. and CXIII. of Regulation X. 1819 of the Bengal Code, for the adjucation of cases of contravention of the Laws enacted for the protection of the Revenue derived from Salt, that if the attendance of the parties charged with such offences cannot be obtained by reason of their failure to attend in person or by vakeel, after being served with a summons, or by reason of their evading process, the Officer adjudicating any such case shall issue notice for the attendance of the parties accused in the manner prescribed in Section CII. of the said Regulation; and if the parties do not attend in person or by vakeel within the time fixed by such notice, the Officer adjudicating the case shall pass judgment thereon, under the said last mentioned Section, in like manner as if the parties accused were present; and the Officer so adjudicating any case exparte, may, at any time after such judgment, issue his warrant for the apprehension of the persons convicted for execution of the sentence, in the manner provided in Regulation X. of 1819 of the Bengal Code, and in this Act, for cases in which the parties were present; and further may at any time sue out process for levying the amount of fine adjudged, from any Civil Court competent to execute its own decrees in the manner and form prescribed for the execution of the decrees of such Civil Court under Section XXX. of this Act.

XXX. And it is hereby enacted, that when the Officer holding proceeding in any case exparte, as above provided, shall refer the case to the Judge of any City or Zillah, in consequence of the amount of fine being such as the said Officer is not competent finally to adjudge, the Judge of the City of Zillah, to whom such case may be referred, shall issue such orders and institute such proceedings as are authorized by Sections CXI. to CXIII. of Regulation X. of 1819 of the Bengal Code, in like manner as if the offenders were sent over with the case or were present to be heard in their defence; and whenever any fine may be adjudged by the Zillah or City Judge, the same may be levied on the application of the Salt Agent or Superintendent of Salt Chokies under the rules in force for the execution of the decrees of Civil Courts.

XXXI. And it is hereby enacted, in modification of the Rules contained in Section CIX. and CXII. of Regulation X. of 1819 of the Bengal Code, whereby the power of final adjudication by Salt Agents or Superintendents of Chokies, in cases of the contravention of the laws enacted for the protection of the Salt Revenue, is restricted to cases in which the quantity of Salt proposed to be confiscated shall not exceed twenty maunds, or the fine adjudicated shall not exceed 50 Rupees, that the judgment of any Salt Agent or Superintendent of Chokies, or of any other Officer vested by Government with like jurisdiction in such cases, shall be final in all cases wherein the Salt adjudged to be confiscated shall not exceed eight maunds, and the fine imposed upon the defendant, or any one of several defendants, shall not exceed 400 Rupees. Provided however, that every such judgment may under Section CXVII. of the said Regulation, be brought by petition before the Board of Customs, Salt and Opium, and be reversed or amended by that authority.

XXXII. And it is hereby enacted, in modification of Section CXIV. Regulation X. 1819 of the Bengal Code, that the Zillah and City Judges shall Pass final judgment in all cases referred to them for adjudication when the quantity of Salt to be confiscated shall exceed eight maunds, or the fine imposed shall exceed 400 Rupees; provided however, that there shall in all such cases be an appeal open to the Sudder Dewanee Adawlut, under the Rules for the admission of special appeals in that Court, upon any point of law which may be ruled by a Zillah or City Judge in any such judgment.

XXXIII. And it is hereby enacted, that the penalties of this Act shall take effect only within the tract of Country guarded by Salt Chokies in the manner prescribed in Section XXXVI. of Regulation X. 1819 of the Bengal Code, and within which the transportation of Salt, not belonging to Government, without a Ruwana

or Special Pass from the Board of Customs, Salt and Opium, is not lawful; and it is hereby declared, that such tract shall not extend, within the Delta of the Ganges, and Megna Rivers, beyond the line of the reach of the tides in the Rivers communicating with the Bay of Bengal as taken at spring tides in the dry season; nor, eastward of the Megna, north of the River Goomtee; nor, westward of the River Hooghly, beyond a line drawn from a point on that River distant one mile from the northern end of the town of Nyasurai, and to the north thereof, to a like point distant one mile to the north of the town of Guttaul, and thence to a like point distant one mile to the north of the town of Midnapore, and thence to a like point distant one mile to the north of Huldipookur in Singbhoom, so as to include each of those towns repectively.

ACT No. XXX. OF 1838.

Passed by the Hon'ble the President of the Council of India in Council, on the 19th November, 1838.

I. IT is hereby enacted, that Sections II. and XIV. Regulation XXXVI. 1793, the Provisions of which were extended by Regulation XXVIII. of 1795; Regulation XVII. of 1803, Section XVII. Regulation VIII. of 1805, and Section XXXII. Regulation XII. of 1805, Section IV., and Clauses 2 and 3, Section VI. Regulation XX. 1812, and Section II. Regulation IV. of 1824, of the Bengal Code, be modified.

II. And it is hereby enacted, that in addition to the Offices to which those Sections relate, Offices for the Registry of Deeds may be established at any Civil Stations, and may be placed by the Orders of Government under the superintendence of any Officers resident at such Stations whom Government may nominate for that purpose.

III. And it is hereby enacted, that the registration of Deeds at any Office of Registry authorized by this Act shall be subject to the payment of the same fees as are prescribed in Section XIV. Regulation XXXVI. 1793, for Deeds registered at an Office established at the Station of a Zillah or City Court.

IV. And it is hereby enacted, that Section XV. Regulation XXXVI. 1793, and Clauses 2 and 3, Section VI. Regulation XX. 1812 of the Bengal Code, shall not be held applicable to offices and persons established and appointed for the registry of Deeds under this Act.

V. And it is hereby enacted, that persons desirous of registering Deeds written in any European language at any Office of Registry in the Territories subject to the Presidency of Bengal, shall be required to pay for transcribing the same according to the established rates of Section Writing, in addition to the Fees prescribed by Section XIV. Regulation XXXVI, 1793.

VI. And it is hereby enacted, that in case of the death or absence on leave of any person appointed by Government to register Deeds under this Act, it shall be lawful for the Zillah Judge or other Officer specially authorized by Government, to appoint any person whom he may think proper to take temporary charge of the Office and to register Deeds in the same manner as if such person had been appointed to the Office by the Orders of Government.

ACT No XXXI. OF 1838

Passed by the Hon'ble the President of the Council of India in Council, on the 3rd Decembet, 1838.

I. IT is hereby enacted, that so much of a Statute made and passed in the 9th year of the reign of His late Majesty King George the Fourth, entitled an Act for improving the administration of Criminal Justice in the East Indies, as relates to any person who unlawfully and maliciously shall administer or attempt to administer to any person, or shall cause to be taken by any person, any poison or other destructive thing, or shall unlawfully and maliciously attempt to drown, suffocate, or strangle any person, or shall unlawfully and maliciously shoot at any person, or shall by drawing a trigger or in any other manner attempt to discharge any kind of loaded arms at any person, or shall unlawfully and maliciously stab, cut or wound any person, with intent in any of the cases aforesaid to murder such person; and so much of the said Act as relates to any person who shall unlawfully and maliciously shoot at any person, or shall by drawing a trigger or in any other manner attempt to discharge any kind of loaded arms at any person, or shall unlawfully and maliciously stab, cut or wound any person, with intent in any of the cases aforesaid to maim, disfigure, or disable such person, or to do some other grievous bodily harm to such person, or with intent to resist or prevent the lawful apprehension or detainer of the party so offending, or of any of his accomplices for any offence for which he or they may respectively be liable by law to be apprehended or detained; and so much of the said Act as relates to any person who, with intent to procure the miscarriage of any woman, then being quick with child, unlawfully and maliciously shall administer to her, or cause to be taken by her any poison or other noxious thing, or shall use any instrument or other means whatsoever with the like intent; and who with intent to procure the miscarriage of any woman, not being or not being proved to be then quick with child, unlawfully and maliciously shall administer to her, or cause to be taken by her, any medicine or other thing, or shall use any instrument or other means whatever with the like intent; and so much of the said Act as relates to any person who shall rob any other person of any chattel, money, or valuable security; and so much of the said Act as relates to any person who shall accuse or threaten to accuse any other person of any infamous crime, with a view or intent to extort or gain from him, and shall by intimidating him by such accusation or threat, extort or gain from him any chattel, money or valuable security; and so much of the said Act as relates to any person who shall steal from the person of another, or shall assault any other person with intent to rob him, or shall by menaces or by force demand property of any other person with intent to steal the same; and so much of the said Act as relates to any person who shall be convicted of burglary; and so much of the said Act as relates to any person who shall break and enter any dwelling house and steal therein any chattel, money or valuable security to any value whatever, or shall steal any such property to any value whatever in any dwelling house, any person therein being put in fear, or shall steal in any dwelling house any chattel, money or valuable security to the value in the whole of Fifty Company's Rupees or more; and so much of the said Act as relates to any person who shall plunder and steal any part of any ship or vessel which shall be in distress, or wrecked, stranded, or cast on shore, or any goods, merchandize, or articles of any kind belonging to such ship or vessel; and so much of the said Act as relates to any person who shall unlawfully and maliciously set fire to any church or chapel, or other public place of religious worship whatsoever, or shall unlawfully and maliciously set fire to any house, stable, coach-house, out-house, ware-house, office, shop, mill, barn, or granary, or to any building or erection used in carrying on any trade or manufacture, or any branch thereof, whether the same or any of them respectively shall then be in the possession of the offender or in the possession of any other person, with intent thereby to injure or defraud any person; and so much of the said

Act as relates to any person who shall unlawfully and maliciously set fire to, or in any wise destroy, any ship or vessel, whether the same be complete, or in an unfinished state, or shall unlawfully and maliciously set fire to any goods being on board any ship or vessel as cargo, with intent to destroy such cargo or ship, and with intent thereby to prejudice any owner or part owner of such ship or vessel, or any owner or part owner of any goods on board the same, or any person that hath underwritten, or shall underwrite any policy of insurance upon such ship or vessel, or on the freight thereof, or upon any goods on board the same; and so much of the said Act as relates to any person who shall exhibit any false light or signal with intent to bring any ship or vessel into danger, or shall unlawfully and maliciously do any thing tending to the immediate loss or destruction of any ship or vessel in distress, or destroy any part of any ship or vessel which shall be in distress, or wrecked, stranded, or cast on shore, or any goods, merchandize or articles of any kind belonging to such ship or vessel, or shall by force prevent or impede any person endeavouring to save his life from such ship or vessel (whether he shall be on board or shall have quitted the same); and so much of the said Act as relates to any person who shall unlawfully and maliciously set fire to any stack of rice, corn, or other grain or pulse, or sugar cane, whether standing or cut down, or to any part of a wood, coppice or plantation of trees or valuable plants, or to any grass, fern, or other like ground produce, wheresoever the same may be growing; and so much of the said Act as relates to the punishment of principals in the second degree, and of accessaries before and after the fact respectively to such of the felonies punishable under those Acts as are hereinbefore referred to, shall, from the time of passing this Act, cease to have effect within the territories of the East India Company, except as to offences committed before or upon the day of passing this Act, which shall be dealt with and punished as if this Act has not been passed.

II. And it is hereby enacted, that this Act shall extent to all persons and over all places over whom or which the Criminal jurisdiction of any of Her Majesty's Courts of Justice within the territories under the Government of the East India Company extends, but not further or otherwise.

III. And it is hereby enacted, that whosoever shall administer to, or cause to be taken by any person any poison or other destructive thing, or shall stab, cut, or wound any person, or shall by any means whatsoever cause to any person any bodily injury dangerous to life, with intent in any of the cases aforesaid to commit murder, shall be guilty of felony, and being convicted thereof shall suffer death.

IV. And it is hereby enacted, that whosoever shall attempt to administer to any person, any poison or other destructive thing, or shall shoot at any person, or shall by drawing a trigger, or in any other manner attempt to discharge any kind of loaded arms at any person, or shall attempt to drown, suffocate, or strangle any person, with intent in any of the cases aforesaid to commit the crime of murder, shall, although no bodily injury shall be effected, be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

V. And it is hereby enacted, that whosoever unlawfully and maliciously shall shoot at any person, or shall by drawing a trigger, or in any other manner attempt to discharge any kind of loaded arms at any person, or shall stab, cut, or wound any person, with intent, in any of the cases aforesaid, to maim, disfigure or disable such person, or to do some other grievous bodily harm to such person, or with intent to resist or prevent the lawful apprehension or detainer of any person, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

VI. And it is hereby enacted, that whosoever shall unlawfully or maliciously send or deliver to, or cause to be taken or received by any person any explosive substance, or any other dangerous or noxious thing, or shall cast or throw upon, or otherwise apply to any person any corrosive fluid or other destructive matter, with intent in any of the cases aforesaid, to burn, main, disfigure, or disable any person, or to do some other grievous bodily harm to any person, and whereby, in any of the

cases aforesaid, any person shall be burnt, maimed, disfigured, or disabled, or receive some other grievous bodily harm, shall be guilty of felony, and being convicted thereof, shall, be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

VII. And it is hereby enacted, that whosoever with intent to procure the miscarriage of any woman shall unlawfully administer to her, or cause to be taken by her any poison or other noxious thing, or shall unlawfully use any instrument or other means whatsoever with the like intent, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

VIII. And it is hereby enacted, that on the trial of any person for any of the offences hereinbefore mentioned, or for any felony whatever where the crime charged shall include an assault against the person, it shall be lawful for the jury to acquit of the felony and to find a verdict of guilty of assault against the person indicted, if the evidence shall warrant such finding, and when such verdict shall be found, the Court shall have power to imprison the person, so found guilty of an assault, for any term not exceeding four years.

IX. And it is hereby enacted, that whosoever shall burglariously, break and enter into any dwelling house, and shall assault with intent to murder any person being therein, or shall stab, cut, wound, beat or strike any such person, shall be guilty of felony, and being convicted thereof shall suffer death.

X. And it is hereby enacted, that whosoever shall be convicted of the crime of burglary, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

XI. Provided always, and it is hereby enacted, that so far as the same is essential to the offence of burglary, the night shall be considered, and is hereby declared to commence at nine of the clock in the evening, and to conclude at six of the clock in the morning of the next succeeding day.

XII. And it is hereby enacted, that whosoever shall steal any property in any dwelling house, and shall by any menace or threat put any one being therein in bodily fear, or shall steal in any dwelling house any property to the value in the whole of Fifty Company's Rupees or more, or shall break and enter any dwelling house, and steal therein any property, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

XIII. And it is hereby enacted, that whosoever shall rob any person, and at the time of, or immediately before, or immediately after such robbery shall stab, cut or wound any person, shall be guilty of felony, and being convicted thereof, shall suffer death.

XIV. And it is hereby enacted, that whosoever shall, being armed with any offensive weapon or instrument, rob or assault with intent to rob any pesson, or shall together with one or more person or persons rob or assault with intent to rob any person or shall rob any person, and at the time of, or immediately before, or after such robbery shall beat, strike or use any other personal violence to any person, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

XV. And it is hereby enacted, that whosoever shall accuse or threaten to accuse any person of the abominable crime of buggery committed either with mankind or with beast, or of any assault with intent to commit the said abominable crime, or of any attempt or endeavour to commit the said abominable crime, or of making or offering any solicitation, persuasion, promise, or threat to any person whereby to move or induce such person to commit or permit the said abominable crime, with a view or intent, in any of the cases aforesaid, to extort or gain from

such person, and shall by intimidating such person by such accusation or threat, extort or gain from such person any property, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

XVI. And it is hereby enacted, that whosoever shall plunder or steal any part of any ship or vessel which shall be in distress, or wrecked, stranded, or cast on shore, or any goods, merchandize or articles of any kind belonging to such ship or vessel, and be convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

XVII. And it is hereby enacted, that whosoever shall rob any person, or shall steal any property from the person of another, shall be liable at the discretion of the Court, to be transported to such place as the Court shall direct, for any term not exceeding fifteen years, nor less than ten years, or to be imprisoned for any term not exceeding three years.

XVIII. And it is hereby enacted, that whosoever shall assault any person with intent to rob, shall be guilty of felony, and being convicted thereof, shall be liable to be imprisoned for any term not exceeding three years.

XIX. And it is hereby enacted, that whosoever shall, with menaces or by force demand any property of any person with intent to steal the same, shall be guilty of felony, and being convicted thereof, shall be liable to be imprisoned for any term not exceeding three years.

XX. And it is hereby enacted, that whosoever shall unlawfully and maliciously set fire to any dwelling house, any person being therein, shall be guilty of felony, and being convicted thereof shall suffer death.

XXI. And it is hereby enacted, that whosoever shall unlawfully and maliciously set fire to any church or chapel or other public place of religious worship whatsoever, or shall unlawfully and maliciously set fire to any house, stable, coach-house, out-house, ware-house, office, shop, mill, barn, or granary, or to any building or erection used in carrying on any trade or manufacture or any branch thereof, whether the same or any of them respectively shall then be in the possession of the offender, or in the possession of any other person, with intent thereby to injure or defraud any person, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

XXII. And it is hereby enacted, that whosoever shall unlawfully and maliciously set fire to, cast away, or in anywise destroy any ship or vessel either with intent to murder any person, or whereby the life of any person shall be endangered, shall be guilty of felony, and being convicted thereof shall suffer death.

XXIII. And it is hereby enacted, that whosoever shall unlawfully exhibit any false light or signal with intent to bring any ship or vessel into danger, or shall unlawfully and maliciously do any thing tending to the immediate loss or destruction of any ship or vessel in distress, shall be guilty of felony, and being convicted thereof, shall suffer death.

XXIV. And it is hereby enacted, that whosoever shall unlawfully and maliciously set fire to, or in anywise destroy any ship or vessel, whether the same be complete or in an unfinished state, or shall unlawfully and maliciously set fire to, cast away, or in any wise destroy any ship or vessel, with intent thereby to prejudice any owner or part owner of such ship or vessel, or of any goods on board the same, or any person that hath underwritten or shall underwrite any policy of insurance upon such ship or vessel or on the freight thereof or upon any goods on board the same, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

XXV. And it is hereby enacted, that whosoever shall by force prevent or impede

any person endeavouring to save his life from any ship or vessel which shall be in distress, or wrecked, stranded, or cast on shore (whether he shall be on board, or shall have quitted the same) shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

XXVI. And it is hereby enacted, that whosoever shall unlawfully and maliciously destroy any part of any ship or vessel which shall be in distress, or wrecked, stranded, or cast on shore, or any goods, merchandize or articles of any kind belonging to such ship or vessel, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

XXVII. And it is hereby enacted, that whosoever shall unlawfully and maliciously set fire to any mine of coal shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall think fit for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

XXVIII. And it is hereby enacted, that whosoever shall unlawfully and maliciously set fire to any stack of rice, corn or other grain, pulse, or sugar cane, straw, hay, or wood, or to any crop of rice, corn or other grain, or pulse or sugar cane, whether standing or cut down, or to any part of a wood, coppice or plantation of trees or valuable plants, or to any grass, fern, or other like ground produce, wheresoever the same may be growing, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall think fit for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

XXIX. And it is hereby enacted, that if any person shall steal the whole or any part of any growing tree, sapling or shrub, or any underwood, or of any pale, post or stile, or any growing cultivated plant, root, fruit, or vegetable production, or shall unlawfully and maliciously commit any damage, injury, or spoil, to or upon any real or personal property whatsoever, either of a public or private nature, every such offender being convicted before a Magistrate or Justice of the Peace shall, for the first offence, forfeit and pay, over and above the amount of the injury done, such sum of money, not exceeding Fifty Rupees as to the Magistrate or Justice of the Peace shall seem meet; and if any person so convicted shall afterwards be guilty of any of the said offences, and shall be convicted thereof, in like manner, every such offender shall, for such second offence, be imprisoned with or without hard labor, for such term not exceeding six calendar months as the convicting Magistrate or Justice of the Peace shall think fit. Provided always that nothing in this Section contained concerning the stealing of any property or malicious damage, injury or spoil to or upon any real property of a private nature shall extend to the settlements of Prince of Wale's Island, Singapore, or Malacca.

XXX. And it is hereby enacted, that every sum of money which shall be forfeited for the amount of any injury done (such amount in each case to be assessed by the convicting Magistrate or Justice of the Peace) shall be paid to the party aggrieved, if known, except when such party shall have been examined in proof of the offence, and that in every case of summary conviction under this Act, when the sum which shall be forfeited for the amount of the injury done, or which shall be imposed as a penalty by the Magistrate or Justice of the Peace shall not be paid, either immediately after the conviction or within such period as the Magistrate or Justice of the Peace shall at the time of conviction appoint, it shall be lawful for the convicting Magistrate or Justice of the Peace to commit the offender to the Common Gaol or House of Correction to be imprisoned only, or to be imprisoned with hard labor according to the discretion of the Magistrate or Justice of the Peace for any term not exceeding two calendar months, where the amount of the sum forfeited, or of the penalty imposed, or of both, (as the case may be) together with the costs shall not exceed Fifty Rupees, and for any term not exceeding four calendar months when the amount with costs shall not exceed One Hundred Rupees, and for

any term not exceeding six calendar months in any other case, the commitment to be determinable in each of the cases aforesaid upon payment of the amount and costs.

XXXI. Provided always, that where several persons shall join in the commission of the same offence, and shall upon conviction thereof, each be adjudged to forfeit a sum equivalent to the amount of the injury done, in every such case no further sum shall be paid to the party aggrieved than that which shall be forfeited by one of such offenders only.

XXXII. And it is hereby enacted, that in case any person convicted of any offence punishable upon summary conviction by virtue of this Act shall have paid the sum adjudged to be paid together with costs under such conviction, or shall have suffered the imprisonment awarded for non-payment thereof, every such person shall be released from all further or other proceedings for the same cause.

XXXIII. And it is hereby enacted, that every punishment and forfeiture by this Act imposed on any person maliciously committing any offence shall equally apply and be enforced whether the offence shall have been committed from malice conceived against the owner of the property in respect of which it shall be committed or otherwise.

XXXIV. And it is hereby enacted, that it shall not be necessary in any proceeding either for theft or for malicious injury, spoil, or damage, to or upon any property dedicated to public use or ornament, to allege the same to be the property of any person.

XXXV. And it is hereby enacted, that the word "property" shall throughout this Act be deemed to include every thing included under the words "chattel, money, or valuable security" in the said Statute made and passed in the ninth year of the reign of his late Majesty King George 4th aforesaid—and that the term dwelling house shall have the same construction as in the said Statute.

XXXVI. And it is hereby enacted, that in the case of every felony punishable under this Act, every principal in the second degree and every accessary before the fact shall be punishable with death or otherwise in the same manner as the principal in the first degree is by this Act punishable. And every accessary after the fact to any felony punishable under this Act (except only a receiver of stolen property) shall on conviction, be liable to be imprisoned for any term not exceeding two years.

XXXVII. And it is hereby enacted, that where any person shall be convicted under this Act for any offence punishable under this Act for which imprisonment may be awarded, it shall be lawful for the Court to sentence the offender to be imprisoned and kept to hard labor, and also to direct that the prisoner be kept in solitary confinement for such a period or periods of the imprisonment as to the Court in its discretion shall seem meet, not exceeding one month at a time, or three months in any one year.

XXXVIII. And it is hereby enacted and provided, that it shall not be lawful for any Court, under the authority of this Act, to order the transportation of any person being a native of the East Indies, and not born of European parents, to the Eastern Coast of New South Wales, or any of the Islands adjacent thereto.

ACT No. XXXII. OF 1838.

Passed by the Hon'ble the President of the Council of India in Council,

on the 10th December, 1838.

I. It is hereby enacted and declared, that all powers whatever in Criminal Cases, which by virtue of any law now in force may be exercised by two Justices of the Peace within and for the Provinces, Districts, and Countries of Bengal, Behar, and Orissa, and within and for the Presidency of Fort William in Bengal, and places thereto subordinate, may be exercised by one such Justice.

II. And it is hereby enacted, that it shall be lawful for any one such Justice to issue a Warrant of Distress for the recovery or arrears of Assessment accruing under the Act of Parliament 33, George III. Cap. 52, and every such Warrant shall have the same force as if it were under the hands and seals of two such Justices.

III. And it is hereby enacted and declared, that all such powers heretofore exercised, and Warrants issued by one such Justice of the Peace, shall be deemed legal and valid as if the same had been exercised or issued by two such Justices.

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INDEX

TO THE

ACTS OF THE SUPREME GOVERNMENT

FOR 1838

	Act.	Section.	Clause.
Act No. II. 1836, except so far as it repeals any Regulation of the Bombay Code, repealed, ...	I.	II.	
„ No. XIX. 1836. Section III. of, repealed,	XXIV.	I.	
„ No. VIII. 1837, repealed, ...	III.	I.	
„ No. XVII. 1837, Section VIII. of, repealed, ...	XX.	I.	
„ No. XXXI. 1838, shall extend to persons or places over whom or which the Crimidal Jurisdiction of Her Majesty's Courts of Justice, in the Territories of the East India Company extends,..... See Criminal Act.	XXXI.	II.	
„ portions of, passed in the 9th George IVth. for improving the Administration of Criminal Justice in the East Indies, shall cease to have effect,.....	„	I.	
Acts (Parliamentary) regarding Wills, &c. shall cease to have effect in the Territories of the East India Company, except as the same or any of them relative to any Wills or Estates *pur Autre vie* to which this Act does not extend, ...	XXV.	II.	
Ameens—See Sudder Boards.			
Anjengo and Changancherry—Joint Criminal Judge, having jurisdiction over the districts of—to exercise the powers of Joint Magistrate defined in the Madras Regulations,..	III.	II.	
Appeals—When any Court in Bombay trying an Appeal finds that the action was decided in a Revenue Court, when it ought to have been decided in a Court of Adawlut, the			

Court

	Act.	Section.	Clause.
Court shall annul only the decree and refer the suit to be tried in the Court to which the jurisdiction properly belongs, ...	XVI.	V.	
Appeals, (Original) relating to any of the subjects enumerated in Clause 1st, Section I. of this Act, which may be depending in the Revenue Courts, shall be transferred to the Courts of Adawlut, ...	,,	VI.	
,, (Summary) to be received by Zillah Judges, Assistant Judges of Auxiliary Courts and Principal Sudder Ameens of Madras, from the orders or decrees of district Moonsiffs in cases in which such Moonsiffs may have refused to admit suits cognizable by them, &c., ...	XVII.	I.	
,, ,, The provisions of the 5th and 6th following Clauses of Section V. Regulation XV. 1816, Madras Code, regarding—shall apply to the Summary Appeals preferred under this Act, ...	,,	II.	
,, ,, Zilla and City Judges within the Presidency of Fort William, shall receive—from the decrees of the Moonsiffs subordinate to them in cases in which such Moonsiffs may have refused to admit suits cognizable by them, &c., ...	XXII.	I.	
,, ,, The provisions contained in the 5th and 6th following Clauses of Section III. Regulation XXVI. 1814, and Section II. Regulation XII. 1833, and Section VII. Regulation IX. 1831, Bengal Code, shall apply to—preferred under this Act,	,,	II.	
Bank of Bengal—Capital Stock of—may be increased, ...	XXIV.	,,	
,, Whenever increase of Capital Stock of—shall be ordered Proprietors may subscribe for new Stock, ...	,,	III.	
,, Whenever increase of Capital Stock of —shall be made the Governor General shall prescribe that the subscriptions be made on each share, in any given proportion to the amount of Stock represented by such share, ...	,,	IV.	
,, The Governor General shall prescribe that the amount of new Capital that may not be subscribed for by Proprietors within the period of 18 months, shall be sold by Public Auction for the benefit of, ...	,,	,,	

	Act.	Section.	Clause.
Bank of Bengal—The Governor General at the time of ordering any increase of the Capital Stock, shall reserve the portion of such increase that may belong to Government by reason of its share of the Capital of, ...	XXIV.	V.	
„ On the refusal of Government to take its share of new Stock such Stock shall not be sold on account of the Proprietors at large as above provided for Stock not subscribed for by other Proprietors, &c.,..	„	„	
Boats—Goods not to be conveyed to or from any Vessel otherwise than in authorized,...	I.	XXXIII.	
Boat Note—To accompany each boat load of goods for the purpose of being landed and passed for importation, ...	„	XXXIX.	
Bombay—See Territory.			
Bonded Warehouse Association—shall sue and be sued by its corporate name, &c., ...	V.	II.	
„ Balance sheet of funds and report of affairs of—to be presented at General Meetings thereof, ...	„	XIV.	
„ Bye Laws of—to be framed for the Regulation of its proceedings, ...	„	XXXII.	
„ Provisions of Act No. XXV. 1836, relating to private licensed Warehouses shall be applicable to all Warehouses wherein the—shall receive Bonded Goods,	„	XXV.	
„ to be dissolved by order of the Governor General in Council on the 14th March, 1860,.....	„	XXXVII.	
„ to be dissolved at any time by a resolution of two-thirds in number and value of Proprietors qualified to vote,.....	„	XXXVIII.	
„ Names of the Directors of, ...	„	VIII.	
„ Directors to be removed or elected by General Meetings of the Proprietors, ...	„	IX.	
„ Directors of—to be elected by lot,....	„	X.	
„ „ going out of Office,....	„	„	
„ „ re-elected, ...	„	„	
„ „ should be Proprietors in their own right of 15 shares of the Capital Stock of, ...	„	XII.	
„ Directors of—should be resident within the Presidency of Fort William,.....	„	XIII.	
„ Directors of—may spend the money of—for the purpose of erecting Warehouses, &c.,.....	„	XXI.	

	Act.	Section.	Clause.
Bonded Warehouse Association—Directors of —on its dissolution shall cause its property to be converted into money, ...	V.	XXXIX.	
„ „ on any of the—going out of Office, otherwise than by the rule of rotation, an extraordinary General Meeting shall be convened to appoint a successor,..	„	XI.	
„ Dividend out of the profits of—shall be declared by a General Meeting, ...	„	XIV.	
„ East India Company to have the right of pre-emption in purchasing any premises disposed of by,.....	„	XXXVI.	
„ Instalments due by the Proprietors of the—shall be paid by them, ...	„	XXII.	
„ „ if not paid by Proprietors, they shall pay interest on the deficient sum at 10 per cent. per annum,.....	„	XXIII.	
„ Meetings (Ordinary General) of the Proprietors of—shall be held twice a year,	„	XIV.	
„ „ „ may adjourn themselves to a future day, ...	„	XV.	
„ „ (Extraordinary General) of the Proprietors of—shall be held as directed in the Bye Laws of the Association,..	„	XVI.	
„ Proprietors of Shares of the Capital Stock of—who shall cease to be Proprietors of such Stock shall cease to be Members of the Corporation, ...	„	VII.	
„ Persons becoming Proprietors of the Capital Stock of—shall become Members of the Corporation, ...	„	„	
„ Proxy in writing may be given by one Proprietor to another to vote for him, ...	„	XX.	
„ Proprietors of the—shall not be personally liable for any acts or liabilities of the Association,.....	„	XXXI.	
„ Parties having any legal demand on —shall recover the amount of such demand from the Capital Stock of the Association,	„	„	
„ Price on premises belonging to—shall be fixed by two appraisers,.....	„	XXXVI.	
„ Register book to be kept by the Directors of—for the registry of the names, additions and places of residence of the Proprietors, ...	„	IV.	
„ Report in writing of the affairs of—shall be presented at ordinary General Meetings, ...	„	XIV.	

	Act.	*Section.*	*Clause.*
Bonded Warehouse Association—Register of the transfer of share belonging to the Proprietors of—who shall fail to pay instalment or interest shall be refused,.....	V.	XXIV.	
„ Table of Rates of warehousing Goods shall be placed at every Warehouse and wharf of, ...	„	XXVII.	
„ Rules regulating the Original Capital Stock of—shall apply to additional Stock,	„	XXXV.	
„ Stock (Capital) of—to be 10,00,000 Rupees and shall be divided into 2,000 shares of 500 Rupees each,.....	„	III.	
„ „ Shares of the—may be transferred by endorsement made on the Certificate for such shares by the Proprietors of them or their Attorneys,.....	„	VI.	
„ Shares of Proprietors of—to be sold by Public Auction if the instalment or interest due shall not be paid, ...	„	XXIV.	
„ Security by Bond for payment of duties of importation on Goods lodged in any Warehouse of—to be given by the Association.....	„	XXVI.	
„ Suits against—to be brought in the Supreme Court at Calcutta,.....	„	XXIX.	
„ Stock (Joint) of—shall be held and enjoyed by the Proprietors as personal Estate,.....	„	XXX.	
„ Stock (Capital) of—may be increased by votes at two extraordinary General Meetings of the Proprietors, ...	„	XXXIII.	
„ „ No Proprietor bound to subscribe to the increased, ...	„	XXXIV.	
„ „ Increased—not subscribed for by Proprietors of the Original Stock to be sold for the benefit of the Association,..	„	„	
„ By a majority of votes shall every election and question at General Meetings of the Proprietors of—be decided,.....	„	XVII.	
„ No Proprietor of—shall be allowed to vote unless he be possessed of two or more shares of the Capital Stock, ...	„	„	
„ Votes of Shareholders, how regulated,	„	XVIII.	
„ Joint Votes of persons, partners in trade shall be received as votes of single Proprietors, ...	„	XIX.	
„ Warrant of Goods lodged in any Warehouse of—shall be given by its Secretary,..	„	XXVIII.	

	Act.	Section.	Clause.
Bonded Warehouse Association—Certificate signed by three Directors of—shall be delivered to every Proprietor of the Capital Stock,	V.	V.	
Bottellos—See Craft.			
Bullocks (Laden)—See Toll.			
Cargo Boats laden with Goods shall not make fast to or lie alongside of any Vessel unless Goods on such boats be covered with a Custom House pass,.....	I.	XXXVIII.	
Certificate to be produced shewing that Customs Duty has been paid,.....	„	IX.	
„ of the payment of Customs Duties to be delivered to Chokee Officer in charge to entitle Goods to pass;.....	„	X..	
„ of payment to be given to any Merchant, or other person on receipt of money as Customs Duty,.....	„	XI.	
„ not to be received at any Chokee that shall bear date more than 30 days before the date when the Goods arrive at the Chokee,.....	„	XII.	
„ Goods provided with a—shall be sent back, if not so provided, shall be detained and be liable to confiscation,.....	„	XIII.	
„ of the Registry of Vessels at Bombay how sealed and signed, ...	XIX.	VIII.	
„ of ditto ditto when to be issued,.....	„	IX.	
„ from the Marine Pay Master or Boat Master at Bombay shall not be required to enable any person to obtain a port clearance for Vessels at the Custom House of Bombay, ...	„	XV.	
See Vessels.			
Changancherry—See Anjengo.			
Chapters I. II. IV. VI. VIII. and IX. of Regulation XX. of 1827, Bombay Code, with Appendices A. B. C. E. H. I. J. K. of that Regulation repealed, ...	I.	II.	
See Regulation.			
Charges on account of things done in contravention of this Act to be determined by the Magistrate or Joint Magistrate of any City or District, ...	II.	VI.	
Chokee—See Customs Chokees.			
Coins to be issued by authority of the Governor General in his executive capacity, ...	XXI..	I.	
„ Provisions of Act No. XVII. 1835 and No. XXXI. 1837, applicable to			

devices,

	Act.	Section.	Clause.
devices, &c. of—issued by virtue of Act No. XVII. 1835 shall apply to the Coins which may be issued by virtue of this Act,	XXI.	II.	
Collector of Customs to fix a period, not being less than 20 days, when there shall be no Customs Officer aboard of Vessels discharging Cargo for the discharge thereof and clearance of the vessel inwards,	I.	XLV.	
„ or other principal Officer entrusted with the collection or management of the Revenues of Government of Bombay is authorized to require Security of one or more individuals in the form of Schedule A. of this Act,	XVIII.	I.	
„ or other Officer may after Security has been given, demand fresh or additional Security,	„	III.	
Commission shall be appointed at Bombay to enquire into any charge of malversation against any public servant,	VI.		
Confiscation of Goods landed, or put on board without due entry of vessel,	I.	XXX.	
„ of ditto ditto at unauthorized places,	„	XXXII.	
„ of ditto found on unauthorized boats,	„	XXXIII.	
„ of ditto concealed on vessels and not duly accounted for,	„	XXXVI.	
„ of ditto on Cargo boats alongside of a vessel not having a Customs permit,	„	XXXVIII.	
„ of ditto ditto not having a boat note,	„	XXXIX.	
„ of ditto for Importation or Exportation by Sea if the Packages in which they may be contained shall be found not to correspond with the description of them given in the application,	„	XL.	
„ of ditto if removed after being landed or before they have passed through the Custom House, with a view of defrauding the Revenue,	„	XLI.	
„ of all Goods under this Act—The Collector of Customs competent to adjudge,	„	LVII.	
„ of Goods unduly severe, may be mitigated by the adjudicating Officer to the extent of the levy of double duty,	„	LIX.	
See Rewards.			

	Act.	Section.	Clause.
Confiscation of Salt produced at Salt works in the North West Provinces of which notice has not been given as prescribed in the 1st Section of this Act,	II.	IV.	
„ of Goods landed in any other than authorised Ports at Bombay,	I.	XXV.	
Courts, Revenue—to give immediate possession of all lands, premises, trees, &c. and of all profits arising from the same to parties dispossessed of them,	XVI.	I.	II.
„ Parties to whom possession is given by the—shall continue in possession until ejected by a decree of a Court of Sudder Adawlut,	„	„	„
„ shall continue to exercise the jurisdiction defined in Clauses 3, 4 and 5 of Section XXXI. Regulation XVII. of 1827 in the Bombay Code,	„	„	III.
See Appeals.			
Craft (Pattamars, Dhonies, Bottellas, &c.) from the Maldive and Laccadive Islands, or from the Native Ports of Kattywar, &c. shall be treated as Coasting Craft of the British Territory,	I.	LII.	
Credit to be given at Bombay for the sum that may be paid as duties on Goods at any Port not subject to the Presidency of Bombay, on such Goods being subsequently imported to Bombay,	„	XX.	
Criminal Act—Administering poison, stabbing, cutting, wounding and doing bodily injury dangerous to life, how punished,	XXXI.	III.	
„ Poisoning, shooting at any person, drawing a trigger, discharging loaded arms, attempting to drown, suffocate, strangle, with intent to murder,	„	IV.	
„ Maiming, disfiguring, or disabling any person resisting or preventing the lawful apprehension or detainer of any person,	„	V.	
„ Causing to be received or taken any explosive substance, casting upon any person any corrosive fluid,	„	VI.	
„ Causing the miscarriage of any woman,	„	VII.	
„ When any felonious crime shall include an assault against any person the Jury shall find a verdict of guilty of assault against the person indicted,	„	VIII.	

	Act.	*Section.*	*Clause.*
Criminal Act—Burglary or breaking into any house attended with murder, ...	XXXI.	IX.	
„ ditto how punished, ...	„	X.	
„ Burglary to commence at 9 o'clock in the evening and to conclude at 6 o'clock in the morning,.....	„	XI.	
„ Stealing property from a Dwelling House equal to or above the value of 50 Co.'s Rs. and putting people in bodily fear by menace or threat, ...	„	XII.	
„ Robbing, cutting, and wounding, ...	„	XIII.	
„ Robbing, assaulting, being armed with intent to rob, and beating, striking or using personal violence, ...	„	XIV.	
„ The crime of Buggary, ...	„	XV.	
„ Plundering or stealing any part of any ship or vessel in distress, or wrecked, stranded or cast on shore, or any Goods, Merchandize or Articles belonging to such ship or vessel, ...	„	XVI.	
„ Robbing any person, or stealing any property from the person of another,....	„	XVII.	
„ Assaulting any person with intent to rob, ...	„	XVIII.	
„ Demanding any property of any person with menaces or by force with intent to steal the same,.....	„	XIX.	
„ Setting fire to any Dwelling House any person being therein, ...	„	XX.	
„ Setting fire to Church, Chapel, House, Stable, Coach-house, Out-house, Warehouse, Office, Shop, Mill, Barn, &c. with intent to injure or defraud any person, ..	„	XXI.	
„ Setting fire to, casting away, or in any wise destroying any ship or vessel, with intent to murder any person,.....	„	XXII.	
„ Exhibiting any false light or signal with intent to bring any ship or vessel into danger, ...	„	XXIII.	
„ Setting fire to or destroying any ship or vessel, or any Goods on board the same, or any person who hath under-written any Policy of insurance upon such ship or vessel, or upon the freight thereof, ...	„	XXIV.	
„ Preventing any person endeavouring to save his life from any ship or vessel in distress, wrecked, stranded or cast on shore,.....	„	XXV.	

	Act.	Section.	Clause.
Criminal Act—Destroying any part of any ship or vessel in distress, wrecked, stranded, or cast on shore, or any Goods or Merchandize belonging to such ship or vessel, ...	XXXI.	XXVI.	
„ Setting fire to any Mine of Coal, ...	„	XXVII.	
„ ditto to any stack of rice, corn or other grain, pulse, sugar cane, straw, hay or wood, or to any crop of rice, or to any part of a wood, coppice or plantation of trees or valuable plants, or to any grass or fern, ...	„	XXVIII.	
„ Stealing any growing tree, sapling or shrub, or any underwood, or any pole, post or stile, or any growing cultivated plant, root, fruit or vegetable production, or injuring any real or personal property, ...	„	XXIX.	
„ Money which shall be forfeited for the amount of any injury done shall be paid to the party aggrieved—Imprisonment for non-payment of forfeit money, ...	„	XXX.	
„ Where several persons guilty of the commission of the same offence shall be adjudged to forfeit a sum equivalent to the amount of the injury done, no further sum shall be paid to the party aggrieved than that which shall be forfeited by one of such offenders only, ...	„	XXXI.	
„ Offenders who shall have paid the sum adjudged with costs, or who shall have suffered imprisonment for non-payment thereof shall be released from all further proceedings, ...	„	XXXII.	
„ Every punishment and forfeiture imposed on any person maliciously committing any offence shall equally apply, whether the offence be committed for malice or otherwise, ...	„	XXXIII.	
„ It shall be necessary in any proceeding either for theft or for malicious injury, spoil or damage to or upon any property dedicated to public use, to allege the same to be the property of any person, ...	„	XXXIV.	
„ The word "property" shall include every thing included under the words "Chattel, money or valuable Security,"..	„	XXXV.	
„ Every principal in the second degree and every accessary before the fact in every case of Felony,.....	„	XXXVI.	

	Act.	Section.	Clause.
Criminal Act—Persons convicted of offences for which imprisonment shall be awarded may be imprisoned and kept to hard labor and in solitary confinement,.....	XXXI.	XXXVII.	
„ Natives of the East Indies not born of European parents, not to be transported to the East Coast of New South Wales, &c.,	„	XXXVIII.	
Customs Chokies established for the levy of duties of Customs on Goods exported by land to, or imported by land from, Foreign Territories, ...	I.	IX.	
Customs Officer—declaration of value of Goods shall be submitted to,.....	„	XXIV	
„ shall be allowed 20 days, exclusive of Sundays and Holidays, for the discharge of the import cargo of vessels not exceeding 600 tons, and 30 days exclusive of Sundays and Holidays, for the discharge of import cargo of vessels, exceeding that burthen, ...	„	XLIV	
„ sent on board of any vessel discharging cargo shall be allowed a further period of 15 days for putting on board export cargo if the vessel shall not exceed 600 tons burthen and 20 days if it exceed that burthen, ...	„	XLVI.	
„ shall be sent to watch the cargo of vessels put back for stress of weather during the relanding or removal of such cargo, ...	„	XLIX	
„ Amenable to the Civil Courts at Bombay by action for damages on account of any executive acts done in their official capacity at the suit of the parties injured by such acts, ...	„	LX.	
Dhonies—See Craft.			
Drawback—shall not be allowed, on Goods shipped on native Craft, such as Pattamars, Dhonies, &c.,.....	„	LIII.	
Duties (Customs)—Certain Regulations of the Bombay Code, prescribing the levy of—repealed, ...	„	II.	
„ „ levied on Goods imported by Sea into the Territories subject to the Government of Bombay, ...	„	IV.	
„ „ levied on Country Goods exported by Sea from any Ports of Bombay, ...	„	V.	

	Act.	Section.	Clause.
Duties (Customs)—Levied on Goods passing by land into or out of Foreign European Settlements within the limits of Bombay,..	I.	VII.	
„ „ Officers to receive money on account of, ...	„	X.	
„ „ Appointment of Officers receiving, to be notified in the Official Gazette, ...	„	XI.	
„ of Export or Import—Ships of any European Nation having firman privileges in the Port of Surat, not subject to, ... See Ships.	„	VI.	
„ leviable on Goods for which a value has not been fixed, shall be levied *ad valorem*, ...	„	XXII.	
Estates—Remuneration of Ameens, or other persons effecting partition of, ...	XI.	II.	
Excise Duty—See Salt.			
Fee (Anchorage) shall be levied at every port subordinate to the Bombay Presidency, according to the burthen on all country Craft above the burthen of 100 maunds,..	I.	LVI.	
Felony—See Criminal Act.			
Fine—The Master of a vessel shall be liable to, whose manifest of cargo shall not be found to contain a true specification of Goods imported in the vessel,.....	„	XXVII.	
„ to be levied on Masters of vessels refusing to deliver manifests of cargo, ... See Masters.	„	XXVIII.	
„ ditto ditto who shall refuse to allow an Officer to search their vessels,..	„	XXXVI.	
„ ditto ditto who shall remove from or put on board of vessels any Goods on any day when the Custom House is closed without leave of the Collector of Customs, ...	„	XXXVII.	
„ ditto ditto who shall put on board of vessels any Goods after the removal from them of the Custom House Officer,	„	XLVII.	
„ ditto ditto if Goods on account of which drawback has been paid be not found on board their vessels,.....	„	XLIX.	
„ ditto on persons for knowingly contravening the Anchorage rules regarding Coasting and Country Craft,....	„	LI.	
„ If any person in charge of a vessel shall become liable to—for any act or			

	Act.	*Section.*	*Clause.*
omission relating to Customs, the Collector of Customs shall be competent to refuse port clearance to such vessel until the fine be paid,.....	I.	LVIII.	
Fine to be imposed on persons who shall obstruct any Customs Officer in the exercise of any powers given him by this Act,..	„	LXI.	
„ ditto on Officers appointed under this Act, who shall accept or obtain from any person any property as a consideration for doing or forbearing to do any official act,.....	„	LXII.	
„ ditto or Officers appointed under this Act for practising any fraud on the Customs Revenue, ...	„	LXIII.	
„ to be awarded by Session Judges of Bombay in adjudging a sentence of fine, in like manner as is competent to Magistrates to award fines under Clause First, Section XIII. Regulation XII. 1827, of the Bombay Code,.....	IX.		
Fines shall be paid by owners of vessels for not marking, painting or numbering them and for not producing certificates of registration, &c.	XIX	XIII.	
Functionaries appointed in the Province of Kumaon to be placed under the control in Civil and Criminal cases of the Courts of Sudder Dewanny and Nizamut Adawlut at Allahabad and in Revenue cases under the Sudder Board of Revenue at Allahabad, ...	X.	II.	
Ganja and Bhang—See Regulations.			
Goods passing in and out of the territory of any Native Chief not subject to the Presidency of Bombay, declared liable to the duty fixed for British or Foreign bottoms,....	I.	VIII.	
See Certificate.			
„ which may be passed across any frontier guarded by Chokies between sunset and sunrise shall be seized and confiscated,.....	„	XIV.	
„ Any Chokie Officer needlessly injuring under pretence of examination, or who shall wrongfully detain Goods for which there shall be produced a sufficient certificate, shall be liable to fine and imprisonment, ...	„	XVI.	

	Act.	Section.	Clause.
Goods imported by sea into any port of Bombay liable to same duties as are imposed by Schedule A. of this Act on imports on Foreign bottoms,.....	I.	XVII.	
„ entered into the Schedules of this Act as liable to duty shall be exempted from payment of it under special order from the Governor in Council of Bombay,	„	XVIII.	
„ admitted to free entry on export and import duty being paid,.....	„	XIX.	
„ not allowed to leave any vessel or to be put on board thereof until entry of the vessel shall have been made at the Custom House, ...	„	XXX.	
See Confiscation—Boats.			
„ brought by sea and stowed in bulk shall be weighed or measured on board-ship before being sent to land,.....	„	XLII.	
„ remaining on board after 20 days or after the time allowed in the XLIV. Section of this Act, shall be landed and warehoused for the security of the duties chargeable thereon,.....	„	XLV.	
„ double duties shall be levied on—liable to duty that may be passed through the Custom House for shipment,.....	„	XLVIII.	
„ which are free or have paid import duty, 5 per cent on the market value shall be levied thereon, ...	„	„	
„ on board vessels put back from stress of weather shall not be allowed to be transhipped or re-exported free of duty, ...	„	XLIX.	
„ relanded before the lading of any vessel is complete the duty upon—shall be returned to the exporter, ...	„	L.	
See Drawback.			
„ exported in the same vessels, if manifested for re-export shall not be subject to import or export duty, ...	„	LIV.	
„ brought to any port in any vessel, if transhipped in such port shall be subject to the same duty as if they had been landed and passed through the Custom House for re-exportation, ...	„	„	
„ transhipment of—shall not be made except under special order in writing from the Collector of Customs of the port, ...	„	LV.	

	Act.	*Section.*	*Clause.*
Goods seized vexatiously and unnecessarily, damages shall be adjudged for with the immediate release of the same,.....	I.	LIX.	
Harbour Craft—See Vessels.			
Imprisonment—Chokie Officer to be liable to —who shall permit Goods to pass across the frontier line, when not covered by a sufficient certificate, ...	I.	XV.	
See Fine.			
Judge of Zillah or City Court shall exercise the powers vested in a single Judge of the Sudder Dewanny Adawlut, by Clause 2, Section II. Regulation IX. 1831, of the Bengal Code, ...	VII.		
See Appeal.			
Justice (one) shall exercise all powers in Criminal Cases,.....	XXXII.	I.	
„ „ to issue warrants of distress for the recovery of arrears of Assessment, ..	„	II.	
Lieutenant Governor of the North West Provinces—See Power.			
Manifest of Cargo to be delivered by Master of vessel arriving at any Port of Bombay, ..	I.	XXVI.	
Masters refusing to receive on board their vessels Officers and their Servants appointed to watch the lading and unlading of the cargo shall be liable to fine, ...	„	XXXV.	
„ shall be charged with the wages of Customs Officers if the whole cargo of their vessels be not discharged within the period specified in this Act, ...	„	XLIV. and XLVI.	
Moonsiffs—See Regulation.			
Murder—See Criminal Act.			
Oath to be administered by a Commission appointed to enquire into any charge of malversation against any public servant,....	VI.		
Officer in charge of a Custom House at Bombay to pass free of duty any baggage in actual use,.....	I.	XVIII.	
Officers—See Duties.			
„ establishment of—maintained at any port to be sent on board of vessels to watch their lading and unlading,.....	„	XXXIV.	
„ competent to require any cabins, lockers or bulk-heads of vessels to be opened in their presence,.....	„	XXXVI.	
Palanquins—See Toll.			
Pattamar—See Craft.			

	Act.	Section.	Clause.
Penalty of 500 rupees—Master of vessel liable to for every missing or deficient package of unknown value of Goods entered in manifest, ...	I.	XXXI.	
Perjury—Any person guilty of—in the Court of Sudder Adawlut at Bombay, shall be committed to custody by that Court and transmitted to the Zillah Court nearest to the Presidency, ...	IV.	I.	
„ How punished,.....	XXVII.		
„ Any person shall be guilty of—who shall give such evidence before a Commission appointed to enquire into any charge of malversation against any public servant, as, if given before a Court of Justice, would render such witness guilty of perjury, ...	VI.		
Personal Estate—shall extend to leasehold estates and other chattels real, &c.	XXV.	I.	
Places—what—within the Presidency of Bombay—shall be ports for landing and shipment of merchandize,.....	I.	XXV.	
Poisoning—See Criminal Act.			
Postage Act—See VIII. Act No. XVII. 1837, repealed, ...	XX.	I.	
„ Letters exceeding in weight 12 tolas, and not exceeding 40 tolas, shall be received by Post Masters for transmission by the Letter Post,.....	„	II.	
Postage Act—Letters for dispatch being of the description specified in heads Nos. 1, 2 and 3 of the Schedule A. annexed to Act XVII. 1837, the postage duty thereon shall be levied by rateable increase,.....	XX.	„	I.
„ ditto exceeding 12 and not exceeding 40 tolas brought for dispatch along a road where there is no regular Bhangee Post established, being certified to contain any of the things specified as subject to rateable postage duty under heads Nos. 1, 2 and 3 of the Schedule A. annexed to Act XVII. 1837, shall be forwarded by the Letter Post,.....	„	„	II.
„ ditto exceeding 40 tolas being brought for despatch by the Letter Post at Bhangee rates, may be forwarded under the rules prescribed in the preceding Section of this Act,.....	„	III.	

	Act.	Section.	Clause.
Postage Act—Letters brought for despatch by Bhangee Post shall not be returned on the ground that the post has not been laid for the whole distance to the place of delivery,	XX.	IV.	
„ Fine shall be levied on every person wilfully certifying by writing on any letter, cover, or packet delivered at any Post Office what is not true in respect to such letter, &c.	„	V. VI and VII.	
„ „ incurred on account of letters or packets, shall be demanded by the Post Master General,	„	VIII.	
„ „ Goods and Chattels of parties not paying, shall be sold by warrant under the hand of Magistrates,	„	„	
„ „ Fine—Parties, the proceeds of the sale of whose effects shall not equal the amount of—shall be put in prison,	„	„	
„ „ Post Master shall detain any letter or packet in respect of which any party shall become liable to a—until it shall be paid,	„	IX.	
Powers given to the Governor General of India in Council by Section I. of this Act may be delegated to the Governor of Bengal, and to the Lieutenant Governor of the North West Provinces,	XIII.	II.	
„ „ given to the Collector of Customs by the Governor in Council of Bombay, can be transferred to any other functionary,	I.	LXIV.	
Powers—See Judge.			
Principal Sudder Ameen—all persons committed by the—of Sirsee for the trial before the Court of Circuit for the Western Division of the Madras Territories shall be tried at the Sessions of Jail Delivery to be held at Honore,	XXVI.	I.	
„ all persons committed by—at Madras, for trial before the Court of Circuit, shall be tried at any Sessions of Jail Delivery to be held at any station within the Zillah Court of such Principal Sudder Ameen,	„	II.	
See Treasure (hidden)—Regulation Appeals.			
Real Estate—shall extend to messuages, lands, rents and hereditaments, whether corporeal, incorporeal or personal	XXV.	I.	

	Act.	Section.	Clause.
Registration of Deeds shall be subject to the payment of the same fees as are prescribed in Section XIV. Regulation XXXVI. 1793,	XXX.	III.	
Registry of Deeds—Offices for—may be established at any Civil Stations,	„	II.	
„ What Regulation and Sections shall not be held applicable to offices and persons established and appointed for,	„	IV.	
„ copying of—shall be paid for according to the established rates of section writing, &c.,	„	V.	
„ on account of the death or absence of any person appointed to register deeds, the Zillah Judge shall appoint any person to take charge of the Office of Registerer of Deeds,	„	VI.	
„ of vessels at Bombay of every description, their burthen, and the names of their owners shall be made by the Master Attendant,	XIX.	IV.	
Regulation I. 1832 of the Bombay Code, repealed,	I.	II.	
„ IV. 1833 of ditto ditto,	„	„	
„ IV. 1834 of ditto ditto,	„	„	
See Transit or Inland Customs Duties.			
„ X. 1817 of the Bengal Code, repealed,	X.	I.	
„ XII. 1833, Provisions of—to extend to the Court of Principal Sudder Ameen, Sudder Ameen, or Moonsiff,	XIII.		
„ XII. 1827, Bombay Code, Clause I. Section XXXV. of, repealed,	XV.		
„ XIX. 1814, Bengal Code, Section XV. of—repealed,	XI.	„	
„ V. 1831, ditto so much of Clause 1, Section XVIII. of—which provides that no suit be referred to a Principal Sudder Ameen, in which the Vakeels or Officers of his Court shall be a party, repealed,	XXVII.	„	
„ X. 1819, Bengal Code, Sections LIX. LX. and LXI. of—repealed,	XXIX.	„	
„ XXXVI. 1793, Sections II. and XIV. of—modified,	XXX.	„	
„ IV. 1831, Madras, Code—So much of Section III. of—as excepts the liability to attachment or sequestration in certain			

cases

	Act.	Section.	Clause.
cases of the grants mentioned in Section II. of the said Regulation, repealed, ...	XXIII.		
Regulation XX. 1827, Bombay Code, Sections XX. and XXI, of—repealed,.....	XIX.	I.	
Regulations—all the—of the Bombay Code, passed before the year 1827, with certain exceptions, repealed, ...	I.	,,	
,, II. and XIII. 1831, of ditto, repealed, ...	,,	II.	
,, III. 1820 and IX. 1831, provisions of—extended to Ganja and Bang, ...	XIV.		
Resistance to Salt Officer shall be punished in like manner as if it had been offered to the ordinary process of the Collector,.....	II.	VII.	
Revenues—See Collector.			
Rewards to be distributed amongst Customs Officers from the proceeds of the sale of goods liable to confiscation, ...	I.	LIX.	
Routes by which goods shall be allowed to pass into or out of any Foreign Territory, public notice shall be given of,.....	,,	XIII.	
Rules to be established for the anchorage of the country and coasting craft for the delivery of manifests of the cargo of vessels and for the landing of goods therefrom and shipping of goods therein, ...	,,	LI.	
Salt that has paid the excise duty fixed by Act No. XXVII. 1837, a certificate shall be granted for, and shall be passed into the interior without the levy of any further duty either of excise or of customs,.....	,,	XLIII.	
,, shall not be manufactured at any place within the Territories of the Lieutenant Governor North Western Provinces unless notice be given to the Collector of the district in which the places of manufacture may be situated, ...	II.	I.	
,, manufactured and stored. The Collector shall, by an order under his seal and signature, depute one or more Officers who shall have power to take account of, ...	,,	II.	
,, Works—Proprietors of—within the North West Provinces, shall pay to the Collector the wages of one Officer retained for the supervision of the Works at the rate of 10 rupees per mensem,.....	,,	III.	
See Wages.			

	Act.	Section.	Clause.
Salt Works producing—of which notice has not been given in the manner prescribed shall be destroyed, ...	II.	IV.	
„ Agent or Superintendent of Salt Chokies, how to act upon information received that contraband Salt is stored in any warehouse, &c.....	XXIX.	II. V.	
„ What quantity of contraband—stated to be clandestinely warehoused, to be seized,	„	III.	
„ The door of the warehouse where contraband is stored, to be broken open,.....	„	IV.	
„ It is competent to the head Officer of any Salt Chokie or Aurung to receive information of—being in store in a house as prescribed in Section II. and to act thereupon as provided in Sections III. and IV. of this Act, ...	„	VI.	
„ Daroga, or other Officer refusing to act in the seizure of hidden—shall be fined and dismissed from office, ...	„	VII.	
„ When a house is to be broken open to effect a seizure of—the rules prescribed in Regulation XX. 1817, and Section X. Regulation VII. 1799 of the Bengal Code, shall be observed by the Police Officers in attendance, ...	„	VIII.	
„ Circumstances under which seizure of, is made shall be recorded in the office, ...	„	IX.	
„ When seizure of—is made by an Officer of Salt Department other than an Agent or Superintendant of Chokies, such Officer shall report the circumstances of the seizure to his official superior,.....	„	X.	
„ No—found in store shall be deemed to be contraband unless there shall be more thereof than one maund or Indian mun,..	„	XI.	
„ Persons carrying—unaccompanied by a Rowanna shall be apprehended, ...	„	XII.	
„ Officers to stop and search any vessels adapted for sea, that may be found within the limits described in Section XXXIII. of this Act, and to detain them if Salt be found thereon unaccompanied by any Rowanna and to take them up for adjudication of the case, ...	„	XIII.	
„ Any person found conveying—without Rowanna in Bengal or Orissa shall be punished, ...	„	XIV.	

	Act.	*Section.*	*Clause.*
Salt—Persons failing to pay fine imposed on them for smuggling—liable to imprisonment,	XXIX.	XV.	
„ Persons sentenced to imprisonment under Sections XXXI. LXVIII. and LXX. of Regulation X. 1819, Bengal Code, may suffer such punishment in the Foujdarry Jail,	„	XVI.	
„ Persons convicted for a second time of gang smuggling to be imprisoned for six months in the Foujdarry Jail,	„	XVII.	
„ Agent shall proceed for the recovery of any balance due to Government by the process of distraint,	„	XVIII.	
„ Parties preventing the arrest of persons by Salt Officers liable to the punishment prescribed in Section LVI. Regulation X. 1819, Bengal Code,	„	XIX.	
„ Officer neglecting to convey Salt smugglers to the proper Salt Officer to be dismissed from office and to suffer fine and imprisonment,	„	XX.	
„ The party arresting any Salt smuggler shall be bound to take the person to the proper Officer of the Salt Department,	„	XXI.	
„ Any Salt Officer vexatiously and unnecessarily seizing any Goods on the pretence of searching for Salt to be punished with dismissal from office, with fine and imprisonment,	„	XXII.	
„ Any person giving false information in respect of there being illicit—in any house whereby such house shall be searched to the injury of its owners, shall be liable to imprisonment, &c.	„	XXIII.	
„ Parties convicted of the illegal possession of and liable to the penalty of 5 rupees per maund shall one and all be liable to the whole fine,	„	XXIV.	
„ Any Assistant to a Salt Agent or uncovenanted Superintendant of Salt Chokies shall be vested with power of adjudicating cases of contravention of the Salt Revenue laws,	„	XXV.	
„ Cases arising out of this Act shall be tried in the same manner as is prescribed in Regulation X. 1819, Bengal Code, for other cases of contravention of the Salt Revenue laws,	„	XXVI.	

	Act.	Section.	Clause.
Salt—Persons under engagement with Government for the Land Revenue on whose land there shall be any Salt Works shall give notice of the same to the nearest public Officer of Police or Land Revenue,.....	XXIX.	XXVII.	
„ Proprietors or land farmers, &c. who shall knowingly fail to give notice of—manufactured in the lands under their management, shall be liable to fine,.....	„	„	
„ When there shall be no direct proof of the unauthorized removal of—from any Golah the Officer in charge of such Golah shall be liable for the offence of embezzling, and suffer fine, &c.	„	XXVIII.	
„ How the cases of persons charged with the contravention of the Salt Revenue laws are to be adjudicated,.....	„	XXIX.	
„ In an exparte case the City or Zilla Judge shall issue orders and institute proceedings authorized by Sections CXI. to CXIII. of Regulation X. 1819, Bengal Code—Fines to be levied on the application of the Salt Agent, &c. under the rules in force for the execution of the decrees of Civil Courts, ...	„	XXX.	
„ Judgment of any Salt Agent, &c. shall be final in all cases wherein the Salt adjudged to be confiscated shall not exceed 80 maunds, and the fine imposed on the defendant shall not exceed rupees 400, ...	„	XXXI.	
„ Zilla and City Judges shall pass final judgment in all cases when the quantity of Salt to be confiscated shall exceed 80 maunds, or the fine imposed shall exceed 400 rupees. In all such cases there shall be an appeal open to the Sudder Dewanny Adawlut, ...	„	XXXII.	
„ Within what tract of country the penalties of this Act are to take effect,.....	„	XXXIII.	
Section XV. Regulation XIX. 1814, Bengal Code, repealed, ...	XI.	I.	
Ships of any European nation having firman privileges in the port of Surat not subject to duties of import or export, ...	I.	VI.	
Stabbing—See Criminal Act.			
Sudder Boards of Revenue of Calcutta and Allahabad to fix the remuneration of an Ameen or other person, employed to effect			

a partition

	Act.	*Section.*	*Clause.*
a partition of an estate under Regulations enacted for that purpose, ...	XI.	II.	
Suit—where a—cannot be referred to a Sudder Ameen and where the Zillah and City Judges cannot refer such suit to be tried by any other authority, each of the Courts of Sudder Dewanny Adawlut within the Presidency of Fort William shall direct that the cognizance of such suit shall be transferred to any other Zillah or City Court, ...	XXVII.	,,	
Suits presented in the Courts of Judges or Collectors at Bombay which they shall not deem within their jurisdiction shall be referred by them to those Courts in which the jurisdiction lies,.....	XVI.	,,	
,, the jurisdiction of disputed—at Bombay shall be decided at the Sudder Dewanny Adawlut, ...	,,	II and III.	
,, a Court of Adawlut or a Revenue Court at Bombay entering on its file a suit in which it has no jurisdiction, the Sudder Dewanny Adawlut shall direct that the suit be transferred to the Court possessing jurisdiction, ...	,,	IV.	
,, in Bombay—regarding tenures, and the nature and extent of the interest which should be enjoyed by the parties concerned, shall be brought in the Courts of Adawlut, and not in the Revenue Courts, ...	,,	I.	I.
Sureties of—Collectors entrusted with the collection of Revenues of the Bombay Government shall be liable to be proceeded against in case of default jointly and severally in the same manner as their principal is liable to be proceeded against, ..	XVIII.	II.	I.
,, shall pay a sum sufficient to cover any loss which the Government may sustain by the default of the principal, ...	,,	,,	II.
,, shall not be liable to summary imprisonment, provided they pay into the Collector's treasury the penalty named in the bond, ...	,,	,,	III.
,, may withdraw from their suretyship on their stating to the Officer to whom bond has been given their desire to withdraw,..	,,	IV.	
,, liability of—shall not be affected by the death of principal or by his appointment			

to

	Act.	Section.	Clause.
to a situation different from that which he held when the bond was executed, ...	XVIII.	V.	
Sureties of—the date from which the liability of —is to commence shall be stated in the bond,	„	VI.	
Treasure (hidden)—All powers vested in Zillah or Assistant Judges by Regulation XI. 1832 of the Madras Code, in respect of— shall be vested in Principal Sudder Ameens in the Madras Presidency,.....	XII.		
Territory of any Native Chief, not subject to the jurisdiction of the Courts, and Civil Authorities of Bombay, may be deemed to be Foreign Territory,.....	I.	VIII.	
Toll—Rates of—shall be levied at the Bhore Ghaut on Palanquins, &c.....	VIII.	I.	
„ leviable on Palanquins, laden Bullocks, &c. —the provisions of Act No. II. 1837, shall be applicable to, ...	„	II.	
Value to be fixed on any Articles liable to *ad valorem* duty and the value so fixed be taken to be the value of the articles for the purpose of levying duties on the same,..	I.	XXI.	
„ (market) for assessment of the duties on *ad valorem* Goods shall be declared by the owner, &c. upon the face of the application for the passing of Goods through the Custom House, ...	„	XXIII.	
Vessels—not allowed to break bulk until a manifest shall have been delivered to the Collector of Customs. Port Clearances, Cocketts, &c. shall likewise, be delivered to him, ...	„	XXIX.	
„ employed in the Coasts of Bombay, shall be marked or branded with the name of the place to which they belong,.....	XIX.	III.	
„ employed in the Coasts of Bombay, shall have their names, number, burthens, and names of owners, registered in a book,	„	IV.	
„ registered at a subordinate port at Bombay information thereof shall be given by the Registering Officer to the Master Attendant, ...	„	V.	
„ How and by whom to be marked and branded, ...	„	Vi.	
„ Owners of—shall apply for Certificates of Registry from the person authorised to make such registry,..... See Certificate.	„	VII.	

	Act.	Section.	Clause.
Vessels—what fees shall be paid by owners of—for certificates of registry,.....	XIX.	X.	
„ —Fees for the registry of—at Bombay shall be paid to Officers appointed by the Governor of Bombay and to be carried to the credit of Government, ...	„	XI.	
„ Owners of—shall produce certificates,	„	XII.	
„ —Persons seizing—for not being marked and numbered, and for not producing certificates of registration, &c., shall be compensated out of the proceeds of the sale of such vessels,.....	„	XIV.	
Wages of extra Officers employed by the Collector to supervise Salt Works in the North West Provinces shall be defrayed by Government, ...	II.	III.	
Warrants issued by (one) Justice of the Peace shall be deemed legal,..... See Justice (one.)	XXXII.	„	
Will shall extend to a testament, codicil, &c.	XXV.	I.	
„ —this Act shall extend to wills of persons whose personal property cannot by the Law of England pass to their representatives without probate or letters of administration obtained in one of Her Majesty's Supreme Courts of Judicature, ...	„	III.	
„ —It will be lawful for persons to bequeath by—all real and personal estate in law or in equity, and which if not so bequeathed will devolve upon the heirs at law of them,..	„	IV.	
„ not to be made by any person under the age of twenty-one years, ...	„	V.	
„ made by a married woman not be be valid except such as might have been made before the passing of this Act, ...	„	VI.	
„ to be signed at the foot or end thereof by the testator or some other person in his presence and by his direction, ...	„	VII.	
„ must be signed in the presence of two or more witnesses, ...	„	„	
„ must be subscribed to by witnesses in the presence of the testator, ...	„	„	
„ —no appointment made by will shall be valid unless it be executed in the manner required in Section VII., ...	„	VIII & IX.	
„ —if any person who shall attest the execution of a will, be incompetent to be admitted a witness to prove the execution			

thereof,

	Act.	Section.	Clause.
thereof, the will on that account shall not be invalid,	XXV.	X.	
Will—any gift or bequest made to the attestor of the execution of a will shall be null and void,	,,	XI.	
,, —any person to whom a legacy may be bequeathed in a will, competent to attest the execution thereof,	,,	,,	
,, —in case by any will, any estate shall be charged with debts, the creditor shall be competent to attest the execution thereof,	,,	XII.	
,, —an Executor to a will not incompetent to be admitted a witness to prove the execution thereof,	,,	XIII.	
,, made by a man or woman shall be revoked by his or her marriage,	,,	XIV.	
,, shall not be revoked by any presumption of an intention on the ground of an alteration in circumstances,	,,	XV.	
,, —no will or codicil shall be revoked but by another will or codicil,	,,	XVI.	
,, —no obliteration, interlineation, or other alteration made in any will after its execution shall be valid,	,,	XVII.	
,, —no will or codicil revoked, shall be revived otherwise than by the re-execution thereof,	,,	XVIII.	
,, —no conveyance or other act made subsequently to the execution of a will, shall prevent its execution,	,,	XIX.	
,, —every will shall be construed to speak and take effect, as if it had been executed immediately before the death of the testator,	,,	XX.	
,, —real estate and interest in a will, which shall fail or be void by reason of the death of the devisee in the life time of the testator shall be included in the residuary devise,	,,	XXI.	
,, —a general devise of the real estate of the testator shall be construed to include any real estate,	,,	XXII.	
,, —a bequest of the personal estate of the testator shall be construed to include any personal estate,	,,	,,	
,, —where any real estate shall be devised to any person without any words of limitation, such devise shall be construed to pass the fee simple,	,,	XXIII.	

	Act.	Section.	Clause.
Will—the words "die without issue" or "die without leaving issue," shall mean a want or failure of issue in the life time, or at the time of the death of such person and not an indefinite failure of his issue, ...	XXV.	XXIV.	
„ —any real estate devised to any trustee or executor shall be construed to pass the fee simple, ...	„	XXV.	
„ —where any real estate shall be devised to a trustee without any express limitation, such devise shall be construed to vest in such trustee the fee simple, ...	„	XXVI.	
„ —how any estate devised for an estate tail or an estate in quasi entail is to be disposed of, ...	„	XXVII.	
„ —where any person being a child of the testator to whom any real or personal estate shall be devised, shall die in the life time of the testator leaving issue, such devise shall not lapse,..	„	XXVIII	
„ —any soldier being in actual military service or any seaman being at sea may dispose of his personal property, ...	„	XXIX.	
„ —nothing in this Act shall repeal the provisions of Act No. XX. 1837, ...	„	XXX.	
„ —this Act shall not extend to any will made before the 1st February 1839,.....	„	XXXI.	
Witnesses to be summoned before a Commission appointed to enquire into any charge of malversation against any public servant, ...	VI.		
Wounding—See Criminal Act.			
Wuttons—See Suits.			

G. H. Huttmann, Bengal Military Orphan Press.

ACT No. I. of 1839.

Passed by the Hon'ble the President of the Council of India in Council, on the 4th February, 1839.

I. IT is hereby enacted, that from the first day of May next ensuing after the passing of this Act, all Regulations and parts of Regulations of the Bengal Code, which give to any persons or class of persons authority, by virtue of any office held by them, to sell property distrained for the recovery of arrears of rent, shall, so far as they give such authority, be repealed.

II. And it is hereby enacted, that, from the date aforesaid it shall be lawful for the Collector or Officer duly exercising the powers of a Collector in each District subject to the Presidency of Fort William in Bengal, to appoint, by a Sunnud under his signature and seal, in the terms of the Schedule appended to this Act, and conformable to such instructions as he may receive in that behalf, any person or persons to exercise the function of selling property distrained for the recovery of arrears of rent in each Pergunnah or Sub-division of his District, and to authorize such persons to remunerate themselves by deducting a per-centage, not in any case exceeding ten per centum on the amount of the proceeds of the sale.

III. And it is hereby enacted, that all Regulations and parts of Regulations of the Bengal Code which give powers to, or prescribe rules for the guidance of persons appointed to conduct the sale of property distrained for the recovery or arrears of rent, or which assign any penalty or other punishment for misfeasance in the discharge of such duty, shall be applicable to all parties appointed for the sale of such property under this Act.

SCHEDULE.

I, A. B., Collector of Zillah
(or exercising the powers of a Collector)
in virtue of the powers vested in me by Act No. I. of 1839, appoint you C. D., commissioner for the sale of property distrained for the recovery of arrears of rent, in the manner prescribed by the Regulations of Government. You are to reside at E., in Pergunnah F., and are to exercise the authority vested in you by these Regulations, or by any others which may be hereafter transmitted to you for your guidance, in strict conformity thereto; and are to keep a regular and complete record of your proceedings to be produced when called for by me, or by the Courts of Justice. You are hereby authorized to remunerate yourself for your trouble, by deducting and appropriating——per centum on the amount of the proceeds of sale.

ACT No. II. OF 1839.

Passed by the Hon'ble the President of the Council of India in Council, on the 4th February, 1839.

I. IT is hereby enacted, that in all cases of fines by which offenders are or may be punishable by any Magistrate, according to the Provisions of any Act heretofore passed or which shall hereafter be passed by the Governor General of India in Council, it shall be lawful, in case of non-payment, if no other means for enforcing the payment are or shall be provided by such Act or otherwise, for the Magistrate, by warrant under his hand, to levy the amount of such fine by distress and sale of any goods and chattels of the offender which may be found within the jurisdiction of such Magistrate, and if no such property shall be found within such jurisdiction, then it shall be lawful for every such Magistrate by warrant under his hand, to commit the offender to prison, there to be imprisoned only, or to be imprisoned and kept to hard labor, according to the discretion of such Magistrate, for any term not exceeding two calendar months, where the amount of the fine shall not exceed 50 Rupees, and for any term not exceeding four calendar months, where the amount shall not exceed 100 Rupees, and for any term not exceeding six calendar months in any other case, the commitment to be determinable in each of the cases aforesaid upon payment of the amount.

II. And it is hereby enacted, that in all cases in which offenders are, or may be punishable by any Magistrate with fine or imprisonment, or both, according to the Provisions of any Act heretofore passed or which shall hereafter be passed by the Governor General of India in Council, and where the extreme amount of the fine or imprisonment is not specified, it shall not be lawful for the Magistrate to impose any fine exceeding 200 Rupees, or to imprison the offender for any term exceeding six months.

III. And it is hereby enacted, that in all cases in which offenders are or may be punishable by fine before a Magistrate, according to the Provisions of any Act heretofore passed, or which hereafter shall be passed by the Governor General of India in Council, it shall be lawful for the Magistrate, and he is hereby required to receive proof of the commission of the offence upon oath, or upon solemn affirmation in cases where a solemn affirmation is receivable by law instead of an oath.

IV. And it is hereby declared and enacted, that in this Act and in all Acts heretofore passed by the Governor General of India in Council, the terms "fine" and "fines" shall extend to all "penalties" and "forfeitures," and the term "Magistrate" shall extend to all "Joint Magistrates," "Persons lawfully exercising the powers of a Magistrate," and "Justices of the Peace."

ACT No. III. OF 1839.

Passed by the Hon'ble the President of the Council of India in Council, on the 18th February, 1839.

I. IT is hereby enacted, and declared, that within the British Territories under the Government of the East India Company, no person whatever is or shall be, by reason of place of birth or by reason of descent, in any proceeding whatever connected with arrears or exactions of rent, excepted from the jurisdiction of the Revenue Courts, any thing in Act No. XI. of 1836 contained notwithstanding.

II. And it is hereby enacted, that no such proceeding which may have been instituted before the passing of this Act in any such Court, and no decree which may have been passed before the passing of this Act in any such proceeding by any such Court, shall be treated as invalid by reason of the place of birth or by reason of the descent of any party to such proceeding or to such decree.

II. And it is hereby enacted, that within the said Territories no person whatever shall, by reason of place of birth, or by reason of descent, be in any civil proceeding whatever connected with arrears or exactions of rent excepted from the jurisdiction of the Courts of the Moonsiffs.

ACT No. IV. OF 1839.

Passed by the Hon'ble the President of the Council of India in Council, on the 18th March, 1839.

I. IT is hereby enacted, that if any person shall, within the jurisdiction of the Court of Judicature of Prince of Wales' Island, Singapore and Malacca, steal the whole or any part of any growing tree, sapling or shrub, or any underwood, or the whole or any part of any pale, post or stile, or any growing cultivated plant, root, fruit, or vegetable production, or shall unlawfully and maliciously commit any damage, injury, or spoil to, or upon any real or personal property whatsoever of a private nature, every such offender, being convicted thereof before a Court of Quarter Session, shall, for the first offence, forfeit and pay over and above the amount of the injury done, such sum of money, not exceeding two hundred Rupees, as to the Court of Quarter Session shall seem meet, and if any person so convicted shall afterwards be guilty of any of the said offences, and shall be convicted thereof in like manner, every such offender shall, for every such subsequent offence, be imprisoned with or without hard labour for such term not exceeding six calendar months, as the Court of Quarter Session shall think fit.

II. And it is hereby enacted, that every sum of money which shall be forfeited for the amount of any injury done (such amount in each case to be assessed by the Court of Quarter Session, but not to exceed two hundred Rupees,) shall be paid to the party aggrieved, if known, except when such party shall have been examined in proof of the offence. Provided always, that when several persons shall join in the commission of the same offence, and shall, on conviction thereof, each be adjudged to forfeit a sum equivalent to the amount of the injury done, in every such case no further sum shall be paid to the party aggrieved, than that which shall be forfeited by one of such offenders only.

III. And it is hereby enacted, that in every case of conviction under this Act, when the sum which shall be forfeited for the amount of the injury done, or which shall be imposed as a penalty by the said Court of Quarter Session, shall not be paid, either immediately after the conviction, or within such period as the said Court shall at the time of the conviction appoint, it shall be lawful for the said Court to commit the offender to prison, there to be imprisoned only, or to be imprisoned with hard labor, according to the discretion of the said Court, for any term not exceeding two calendar months, when the amount of the sum forfeited or of the penalty imposed, or both, (as the case may be) together with the costs, shall not exceed fifty Rupees; and for any term not exceeding four calendar months, when the amount, with costs, shall exceed fifty Rupees, but shall not exceed one hundred Rupees; and for any term not exceeding six calendar months, in any other case: the commitment to be determinable in each of the cases aforesaid, upon payment of the amount and costs.

IV. And it is hereby enacted, that in case any person convicted of any offence, by virtue of this Act, shall have paid the sum adjudged to be paid, together with the costs under such conviction, or shall have suffered the imprisonment awarded for non-payment thereof, such person shall be released from all further or other proceedings for the same cause.

V. And it is hereby enacted, that every punishment and forfeiture by this Act imposed on any person maliciously committing any offence shall equally apply and be enforced, whether the offence shall have been committed from malice conceived against the owner of the property in respect of which it shall be committed or otherwise.

VI. And it is hereby enacted, that where the stealing of any property is by this Act punishable either for every offence or for the first and subsequent offences, any person who shall receive any such property, knowing the same to be unlawfully come by, shall, on conviction thereof, in like manner as the principal offender, be liable for every first and subsequent offence of receiving to the same forfeiture and punishment to which a person guilty of a first or subsequent offence of stealing is by this Act made liable.

VII. And it is hereby enacted, that the Court of Quarter Session established by the Letters Patent establishing the Court of Judicature of Prince of Wale's Island, Singapore and Malacca, bearing date the 27th day of November, 1826, shall sit for the purpose of hearing and determining matters made offences by this Act at each Station of the said Settlements not less frequently than once in fourteen days. Provided always, that no Court shall be holden excepting in the presence of one of the Judges of the Court of Judicature; and that no Justice of the Peace being a Proprietor or Renter of a Spice Plantation or otherwise directly interested in the enforcement of the provisions of this Act, shall sit and have a deliberative voice in such Court of Quarter Session when held at a Station where such Justice may be so interested.

ACT No. V. of 1839.

Passed by the Hon'ble the President of the Council of India in Council, on the 18th March, 1839.

I. IT is hereby enacted, that it shall be lawful for any Magistrate or Justice of the Peace of the Settlements of Prince of Wales' Island, Singapore and Malacca, to grant a Warrant or Warrants to any Peace or Revenue Officer or Officers of the said Settlements, empowering him or them by day or by night (but if between the hours of eleven o'clock at night and five in the morning, then the Warrant to be executed by or in the presence of a Peace Officer) to enter and search any Dwelling House, Shop or other building in any case in which there shall appear to such Magistrate or Justice of the Peace, upon the oath of any party, good and sufficient cause to believe that in any such Dwelling House, Shop or other building, there is deposited or concealed any article or articles the exclusive privilege of preparing or selling which has been farmed out to any party or parties whosoever by the East India Company under Regulations Nos. II. III. IV. and V. of 1830, passed by the late Governor in Council of the said Settlements of Prince of Wales' Island, Singapore and Malacca, and also under Regulation IV. of 1831, passed by the Vice President in Council on the 18th of October 1831, and also under Regulations X. and XI. of 1833, respectively, passed by the Governor General, in Council on the 9th of September 1833, and to seize and take possession of any such article or articles as may be found so deposited or concealed therein, and it shall be lawful for any Officer to whom any such Warrant shall be granted, and he is hereby authorized in case of resistance, to break open any door and to force and remove any other impediment or obstruction to such entry, search or seizure and removal as aforesaid.

II. And it is hereby enacted, that any person or persons found committing any act in contravention of any of the provisions of the said Regulations, may be immediately searched without a Warrant by any Peace or Revenue Officer, provided always that the person to be searched may demand to be taken before some neighbouring Magistrate or Justice of the Peace, who shall determine if there be reasonable grounds of suspicion, and every such Officer or Officers as aforesaid is hereby authorized and required to take such person upon demand before a neighbouring Magistrate or Justice of the Peace, detaining such person in the meantime. And if any person shall obstruct any such Officer or Officers in making any such search as aforesaid, every such person shall be subject on conviction before a Magistrate or Justice of the Peace to a fine not exceeding one hundred Rupees, such fine to be commuted in case of non-payment to imprisonment for any period not exceeding three calendar months.

III. And it is hereby enacted, that if any Peace or Revenue Officer shall maliciously and without reasonable grounds apprehend or detain any person or persons on the plea that such person or persons have infringed any of the provisions of any of the said Regulations, it shall be competent for any Magistrate or Justice of the Peace to hear the complaint, and if necessary to adjudge the offending Officer or Officers to pay a fine not exceeding one hundred Rupees, such fine to be commuted, in case of non-payment, to imprisonment for any period not exceeding three calendar months.

IV. And it is hereby enacted, that in case any Officer committed under the preceding Section, shall have paid the sum adjudged to be paid by him, or shall have suffered the imprisonment awarded for non-payment thereof, every such Officer shall be released from all further or other proceedings from the same cause.

V. And it is hereby enacted, that no Peace or Revenue Officer of the said Settlements shall be competent to Act under the provisions of this Act, unless appointed specially so to do in writing by the principal Civil Authority of the station where such Peace or Revenue Officer may reside, which authority shall be duly registered at the Police Office of the said station, and liable to be annulled at the pleasure of the said Resident Councillor.

ACT No. VI. OF 1839.

Passed by the Hon'ble the President of the Council of India in Council.

on the 18th March, 1839.

I. THE existing Charter of the Bank of Bengal having been found in many respects inconvenient and imperfect, the Members of the said Corporation have by their Directors applied to the Governor General of India in Council for the amendment thereof, by a new Charter or Act of Incorporation, tendering the surrender thereupon of the said Charter, and the Governor General in Council having assented to such surrender, and to the continuance of the said Corporation as hereinafter declared ;—It is hereby enacted, that from the 1st day of May next after the passing of this Act the Charter of the said Bank of Bengal bearing date the 29th May 1823, and the Act No. XIX. of 1836 and No. XXIV. of 1838 relating thereto, shall respectively cease to have effect ; and the same are hereby from that day cancelled, save as to such particulars as are herein mentioned or referred to.

II. And it is hereby enacted, that the persons who at the time of the determination of the said Charter and Acts aforesaid shall, under the provisions of the said Charter and Acts, be the Proprietors of the Capital Stock of the said Bank of Bengal, shall notwithstanding the determination of the said Charter and Acts continue to be a corporation, body corporate and politic by the name of the Bank of Bengal with perpetual succession to them and their successors Proprietors for the time being of the said Bank as hereinafter mentioned, and to possess and enjoy all the rights, privileges and immunities incident by law to a corporation aggregate.

III. And it is hereby enacted, that all property and securities for property, claims and demands whatsoever now vested in or held by the said Bank of Bengal, under and by virtue of the said Charter and Acts, shall immediately on the determination of the said Charter devolve on and become vested and continued in the Bank of Bengal, so continued and incorporated by this Act as aforesaid, and that the said Bank of Bengal so continued and incorporated as aforesaid shall be subject to all debts, demands, claims and liabilities outstanding against the said Bank at the time of such determination of its said Charter as aforesaid, and that no suit or proceeding at Law or in Equity then pending shall cease or abate in consequence of such determination of the said present Charter, and of such renewal and continuance of the said Bank by virtue of this Act.

IV. And it is hereby enacted, that the said Bank so renewed and continued shall and may sue and be sued by its corporate name aforesaid, and shall and may have and use such common seal as the Directors of the said Bank shall from time to time, appoint, and shall be competent to acquire and hold either absolutely or conditionally, for a term or in perpetuity, any description of property whatever and to transfer and convey the same.

V. And it is hereby enacted, that the Capital Stock of the said Bank as constituted under the said present Charter and Acts shall on the determination of the same by virtue of this Act continue to be the Capital Stock of the said Bank so renewed and continued as aforesaid ; provided however, that it shall be in the power of the Governor General of India in Council from time to time, by resolution notified in the *Calcutta Gazette*, to authorize the said Capital Stock to be increased, and to make such order and direction for the opening of subscriptions towards such increase of capital as to him may seem fit, giving due notice thereof to the Proprietors of the said Bank for the time being, and allowing to them a period of not less than twelve months to fill up such subscription themselves, and likewise to prescribe in what manner and form the Proprietors shall subscribe and pay into the said Bank the proportions of new Stock to which they may respectively be entitled, and to make such order and direction as to him the said Governor General in Council may seem fit for the disposal of the amount of new Stock that may not be subscribed for and paid up in the manner and form so prescribed.

VI. And whereas the Capital Stock of the said Bank which by the said Act No. XIX. of 1836 was fixed at seventy-five lakhs of Rupees, divided into 1,875 Shares of four thousand Rupees each, has by the Resolution of the President of the Council of India in Council, issued and notified to the Proprietors on the 17th October 1838, in conformity with Act No. XXIV. of 1838 been ordered to be increased by one-half; and whereas a book is now open for subscriptions, and payment is now being made of such increased capital in the manner and under the terms and conditions authorized in the said Act No. XXIV. of 1838, and prescribed in the said order and notice of the President in Council. It is therefore hereby enacted, that the Capital Stock of the said Bank shall, on the said 1st May next when this Act shall take effect for the re-incorporation of the said Bank, consist of the said sum of seventy-five lakhs of Company's Rupees, together with such further amount as shall on that date have been subscribed and paid into the Bank of Bengal under the order and notice referred to, and the further subscriptions and payments of Capital authorized and ordered as abovementioned shall continue to be received in the manner provided in the said order and notice of the President in Council, and shall be added to the Capital Stock of the Bank as received, accordingly as is prescribed in the said order passed under the authority of the said Act, and the Capital Stock held by the Bank of Bengal on the said 1st May next, together with the further Capital that may be subscribed and paid up as above after that date shall be divided into shares of four thousand Rupees each, or into quarter shares of one thousand Rupees each in the manner declared and provided by Act No. XIX. of 1836, and the shares of the said Capital that may be then registered in the name of the Governor General of India in Council, shall be the property of the said Governor General of India in Council for the time being on behalf of the East India Company, together with any new shares or quarter shares for which subscription may be made on account thereof, under the option reserved to the said Governor General of India in Council to that effect in the said order and notice, and the shares and quarter shares registered as belonging to individual Proprietors shall continue to be the property of such Proprietors, and the said Proprietors shall respectively be in the proportion of their several interests Proprietors of the Bank of Bengal as re-incorporated by this Act, and shall hold and enjoy in respect to their several shares and interests the same precise rights and privileges, as regards the subscription to fresh Stock, under the order and notice referred to, as they would have done if the Bank of Bengal had continued under the Charter and Acts referred to, the re-incorporation of the said Bank by this Act notwithstanding.

VII. And it is hereby enacted, that no Proprietor shall be allowed to increase his share in the Capital Stock of the said Bank beyond the amount of one lakh and sixty thousand Rupees, excepting on occasion of the present or of any future increase being made to the Capital Stock of the said Bank under the authority of the Governor General in Council in the manner prescribed in Sections V. and VI. of this Act, in which case any Proprietor holding Stock to the full amount of one lakh and sixty thousand Rupees, shall notwithstanding be entitled to subscribe to the increased Capital Stock in a rateable proportion; and excepting any addition to his interest in the said Capital Stock arises from succession, bequest or marriage.

VIII. And it is hereby enacted, that a certificate signed by three Directors of the said Bank shall be delivered to the Proprietor or Proprietors of all the said shares of the Capital Stock of the said Bank, upon demand made by the holder of such share, and that any person who is a Proprietor of more than one such share, may at his option, demand a certificate for each of his shares, or one certificate for all his shares or several certificates, each of which may be for any number of his shares.

IX. And it is hereby enacted, that the said share or shares of the Capital Stock of the said Bank shall be of the nature of personal estate of the Proprietors thereof respectively, and that the same shall be transferable by endorsement to be made on such certificates thereof respectively, under the hand of the Proprietor or Proprietors, or his, her, or their Attorneys duly authorized, which endorsement shall specify the name of the person or persons to whom the said transfer shall be made, provided that no such endorsement shall be effectual to transfer any such share or shares until such endorsement shall have been registered at the Bank of Bengal, and such registration shall have been noted on such endorsement under the hand of an Officer appointed for that purpose by the Directors of the said Bank.

X. And it is hereby enacted, that the said corporate body, so renewed and continued as aforesaid, shall consist and be composed of the registered Proprietors for the time being of the said shares of the Capital Stock of the said Bank, and of no other person or persons whatsoever.

XI. And it is hereby enacted, that the business of the said Bank shall be managed by nine Directors, of whom three shall be appointed and removable by the Governor General of India in Council, and the remaining six shall be elected by a General Meeting of the Proprietors of the said Bank, and removeable by vote of the majority of a General Meeting of the said Proprietors.

XII. And it is hereby enacted, that the persons who, at the time of such determination of the said present Charter and Acts as aforesaid, shall be Directors of the said Bank, shall thereafter continue to be Directors of the said Bank so renewed and continued as aforesaid.

XIII. And it is hereby enacted, that two of the six Directors elected and to be elected by the said Proprietors shall in rotation go out of office on the second Monday in the month of December in every year, on which day in every year a General Meeting of Proprietors shall be held for the election of two Directors in their stead—provided always, that any Director going out by rotation as aforesaid may not be re-elected at the election which takes place thereupon—provided also, that the rotation existing at the time of such determination as aforesaid of the said present Charter and Acts shall continue to be observed.

XIV. And it is hereby enacted, that in case of the death, resignation, or absence from Calcutta for more than three months, or removal as aforesaid of any Directors elected or to be elected by the said Proprietors, the Directors shall call a General Meeting of the Proprietors to be held within fifteen days for the purpose of chusing a successor, and such successor shall come into the same place in the rotation abovementioned in which the Director was.

XV. And it is hereby enacted, that no person shall be capable of serving as a Director by election of the said Proprietors who shall not be Proprietor in his own right, and unincumbered of three shares of twelve thousand Rupees of the Capital Stock of the Bank of Bengal, or who shall be a Director of any other Bank issuing Notes payable on demand within the Town or Suburbs of Calcutta.

XVI. And it is hereby enacted, that at General Meetings of the Proprietors every election and other matter in question shall be decided by a majority of votes, and that no person shall be allowed to vote at any such Meeting in respect of any share of the said Capital Stock acquired by transfer or purchase or otherwise than by act of law, unless such transfer shall have been completed six months at the least before the time of tendering such vote.

XVII. And it is hereby enacted, that at all such General Meetings the Proprietors shall vote according to the following scale:

1	Share of	4,000	Rs.	shall entitle to	1 vote.
5	,,	,,	,,	2	,,
10	,,	,,	,,	3	,,
15	,,	,,	,,	4	,,
20	,,	,,	,,	5	,,
30	,,	,,	,,	6	,,
40	,,	,,	,,	7	,,

and no Proprietor shall be entitled to more than seven votes.

XVIII. And it is hereby enacted, that it shall be lawful for the Governor General of India in Council to give a proxy in writing, signed by one of the Secretaries to Government, to any person whom the Governor General may oppoint to attend any General Meeting of the Proprietors, and that the holder of such proxy shall be entitled to give seven votes upon all matters or questions that may be submitted to such meeting, excepting upon the election or removal of such Directors as are elected by the said Proprietors.

XIX. And it is hereby enacted, that any Proprietor or Proprietors entitled to vote at any General Meeting may give a proxy in writing, either General or Special, under his, her or their hand, or the hand of his, her or their attorney, duly authorized, to any other Proprietor, and that such proxy shall be produced at the time of voting, and that such proxy shall entitle the person to whom it is given to vote on such matters as shall be authorized by the tenor of such proxy.

XX. And it is hereby enacted, that at the first Meeting of the Directors in every year they shall chuse a President from among themselves, and if the office of President shall become vacant, they shall at their next Meeting chuse a successor for the remainder of the current year, and that during any vacancy or in the absence of the President the senior Director shall be Vice-President for the time, and that such Pre-

sident or Vice- President shall have the casting vote in all cases of an equal division of votes at Meetings either of Directors or Proprietors.

XXI. And it is hereby enacted, that the presence of at least three Directors shall be necessary to form a board for the transaction of business, and that the said Directors shall establish a weekly rotation among themselves, so that not less than three Directors may attend every Meeting of Directors, provided always, that nothing herein contained shall be held to preclude any Director from attending any Meeting of Directors.

XXII. And it is hereby enacted, that all accounts of the said Bank, and all instruments not under seal, whereby the said Bank can in any manner be bound, except the Cash Notes of the Bank, shall be signed by three Directors and shall be of no validity unless so signed, and that the seal of the said Bank shall not be affixed to any instrument except in the presence of three Directors who shall sign their names to the instrument in token of their presence, and that such signing shall be independent of the signing of any person who may sign the instrument as a witness, and that unless so signed by three Directors such instrument shall be of no validity.

XXIII. And it is hereby enacted, that the said Directors shall have power to appoint such Officers as may be necessary to conduct the business of the said Bank, and to remove any officer of the said Bank, and to fix the salaries of such Officers, provided that the whole expense of the establishment of the said Bank shall not in any one year exceed sixty thousand Rupees, without previous authority from the General Meeting of the Proprietors.

XXIV. And it is hereby enacted, that no person who shall hold the office of Secretary, Treasurer, Head Accountant or Khazanchee of the Bank of Bengal, shall engage in any other commercial business either on his own account, or as Agent for any other person or persons, or act as a broker for the sale or purchase of Government Securities; and that every person appointed to any one or more of the said offices shall give security to the Directors for the faithful discharge of his duty in the sum of fifty thousand Rupees.

XXV. And it is hereby enacted, that the said Bank of Bengal shall not be engaged in any kind of business except the kinds of business hereinafter specified, that is to say—

1. The Discounting of Negotiable Securities.
2. The keeping of Cash Account.
3. Buying and Selling of Bills of Exchange payable in India.
4. The lending of Money on short loans.
5. The Buying and Selling of Bullion.
6. The receiving of Deposits.
7. The issuing and circulating of Cash Notes and Bank Post Bills.
8. The selling of Property or Securities deposited in the Bank as security for loans and not redeemed, or of Property or Securities recovered by the Bank in satisfaction of debts and claims.

XXVI. And it is hereby enacted, that the Directors of the said Bank shall discount no Negotiable Security and make no loan unless the amount of cash in posession of the said Bank, and immediately available, shall be equal to at least one-fourth of all the claims against the said Bank, outstanding for the time being and payable on demand.

XXVII. And it is hereby enacted, that the Directors of the said Bank of Bengal shall not discount any Negotiable Securities which shall have a longer period to run than three months, or lend any money for a longer period than three months, and that they shall make no loan or advance on any Bank Shares or Certificate of Shares, nor on mortgage, or in any other manner on the security of any Lands, Houses, or immoveable property, nor on any Negotiable Security of any individual or partnership firm, which shall not carry on it the several responsibilities of at least two persons or firms unconnected with each other in general partnership, nor be in advance at one and the same time to any individual or partnership firm either by way of discount, loan, or in any other manner (saving by loans upon the deposit of Government Securities, or Goods not perishable as hereinafter mentioned) beyond the amount of three lakhs of Company's Rupees. Provided always that advances

upon Bills of Exchange accepted by the Government, or upon other Government Obligations shall not be considered as an advance within the meaning of this restriction.

XXVIII. And it is hereby enacted, that the Directors of the said Bank shall make no loan other than such loans as are described in the Section next preceding, except on deposit of Public Securities to the full amount of the loan, and which Public Securities shall be so endorsed or transferred as to put them at the absolute disposal of the said Bank of Bengal, or on deposit of Goods, not of a perishable nature, and of estimated value exceeding the amount of the loan by at least one-fourth.

XXIX. And it is hereby enacted, that the said Bank shall not be at any time in advance to the Government more than seven lakhs and a half of Company's Rupees; provided always that the holding of Government Securities or of Bills of Exchange drawn upon the Government, or of other Government Acceptances or Obligations derived to the said Bank from individuals and not overdue, shall not be construed as being in advance to the Government within the meaning of this Section.

XXX. And it is hereby enacted, that the Directors of the said Bank of Bengal shall not suffer any person or persons, or body corporate, keeping cash with the said Bank of Bengal, to overdraw his, her, or their account.

XXXI. And it is hereby enacted, that the said Bank of Bengal may issue Promissory Notes, payable either on demand, or at a date not exceeding thirty days after sight, which Notes shall and may be signed on behalf of the said Bank by such person as the Directors of the said Bank may appoint, or authorize in that behalf, provided always, that the total amount of such Notes in circulation at any one time shall not exceed two crores of Rupees; and provided also, that no such Note shall be for a smaller amount that ten Rupees.

XXXII. And it is hereby enacted, that it shall not be lawful for the said Bank to make, issue, or negotiate, any Note, Bill or other instrument containing any promise, undertaking, or order for the payment of money elsewhere than within the limits of India.

XXXIII. And it is hereby enacted, that it shall be lawful for the Directors of the said Bank of Bengal to receive in deposit Goods not of a perishable kind, and to contract for the safe keeping of the same.

XXXIV. And it is hereby enacted, that the Directors of the said Bank shall cause the books of the said Bank to be balanced on the 30th day of June and the 31st of December in every year, and that a settlement of the balance on every such day, signed by a majority of the said Directors, shall be forthwith transmitted to one of the Secretaries to the Governor General of India in Council, and that the Governor General of India in Council shall at all times be entitled to require of the said Directors any information touching the affairs of the Bank, and the production of any document of the said Bank, and that the said Directors shall comply with every such requisition.

XXXV. And it is hereby enacted, that an account of the profits of the said Bank shall be taken half yearly, on the 1st day of January, and the 1st day of July in every year, and that a dividend thereof shall be made so soon thereafter as conveniently may be; and that the amount of such dividend shall be determined by the Directors of the said Bank on the ground of the actual profits made by the said Bank during the six calendar months preceding the day, up to which such half yearly account shall be taken, provided that the said Directors, subject to the control and sanction of the Proprietors at their General Meetings, shall have power, when they see fit, to set apart from such profits, a sum not exceeding five per cent, on the Capital Stock of the Bank, as a reserve against contingencies.

XXXVI. And it is hereby enacted, that on the first Monday of the month of August in every year, a General Meeting of the Proprietors of the Capital Stock of the said Bank shall be held, at which the Directors of the said Bank, shall submit to the said Proprietors a statement of affairs of the said Bank, made up to the preceding 30th of June, and such General Meeting shall be competent to pass resolutions, and frame rules and directions relative to affairs and conduct of the said Bank which shall be

binding on the Directors and Officers of the Bank, and on the Proprietors thereof, until rescinded, or modified respectively by any subsequent General Meeting.

XXXVII. And it is hereby enacted, that any three of the said Directors of the said Bank, or any ten Proprietors of the Capital Stock of the said Bank, may at any time convene a General Meeting of the Proprietors, upon giving fifteen days previous notice of such Meeting, and of the purpose, or purposes, for which the same shall be convened, as well to the Directors of the said Bank for the time being, as also by public advertisement in the *Calcutta Gazette*.

XXXVIII. And it is hereby enacted, that it shall be lawful for the Bank of Bengal, with the sanction of the Governor General of India in Council, to establish Branch Banks at such places, and under such rules and restrictions, as shall be determined by the Proprietors at their General Meetings, provided however, that such Branch Banks when so established, besides being subject to the rules and restrictions that may be imposed by the Proprietors, and to the control and orders of the Directors of the Bank at Calcutta, shall be bound by the same rules as to the description of business in which they are to engage, and the manner of conducting such business, and likewise in respect to the issue of notes payable on demand, and the retention of cash to meet the same, and in all transactions and matters herein above referred to, as are prescribed for the Bank of Bengal by this Act.

XXXIX. And it is further enacted, that if any of the said Proprietors shall become indebted to the said Bank, it shall be lawful for the said Bank to withhold payment of the dividends on the share, or shares of such Proprietor, registered as his, or her own property, and not as held in trust, or as executor, or administrator, until payment of such debt, and to apply such dividends towards payment thereof, and that after demand, and default of payment, and notice in that behalf given either to such Proprietor, or his or her constituted Agent, or by public advertisement in the *Calcutta Gazette*, it shall be lawful for the said Bank to refuse registration of the transfer of any such share, or shares of such Proprietor, until payment of such debt; and if the same shall remain unpaid for the space of six months after such notice, to advertise for public sale, and to sell such share or shares or so many as may be necessary, and to apply the proceeds thereof towards payment of such debt, with interest at the rate of six per cent. per annum, paying over the surplus, if any, to such Proprietor, or to his or her lawful representative.

XL. And it is further enacted, that the said Bank shall continue as hereby constituted until the 1st day of May, which will be in the year of Our Lord 1846, and shall thereafter continue in like manner until duly dissolved or modified; provided however, that after the said 1st day of May 1846, the said Bank shall not, except upon the application or by the consent of the Proprietors of the said Bank be dissolved, or anywise modified, without previous notice of twelve months at the least, being given to the Directors of the said Bank, for the time being of such intended dissolution or modification; provided also, that in the event of the said Bank at any time suspending cash payments, the benefits granted to the said Bank by the present Act of Incorporation shall be thenceforth forfeited.

ACT No. VII. OF 1839.

Passed by the Hon'ble the President of the Council of India in Council, on the 18th March, 1839.

I. IT is hereby enacted, that from the First day of May in the year of our Lord 1839, Section XXIII. of Regulation XXVIII. of 1802, of the Madras Code, shall be repealed, and all Commissions, whereby Commissioners for the sale of distrained property may have been appointed, under the provisions of that Section, shall be annulled.

II. And it is hereby enacted, that from the said day, all Tahseeldars within the Territories subject to the Presidency of Fort St. George shall be vested with the powers of Commissioners for the sale of property, distrained for arrears of rent or of revenue, and shall be subject to all rules and provisions, to which by any Law or Regulation such Commissioners are subject.

III. Provided always, that in respect of the exercise of those powers, Tahseeldars shall be subject to the controul and superintendence of the Collector, and shall not be subject to the authority of the Zillah Judge, except in the case of any Judicial proceedings.

IV. Provided also, that Tahseeldars shall be subject to the same liabilities, in respect of the exercise of the said powers, to which they are subjected by Section X. Regulation IX. of 1822 of the Madras Code, in cases in which they conduct sales under the provisions of that Regulation.

V. Provided also, that Tahseeldars shall not be entitled to any fee or commission for selling such distrained property; but that all fees or commission which may be now lawfully taken by Commissioners for the sale of such distrained property, shall be taken, and carried to the account of Government.

VI. And it is hereby enacted, that Tahseeldars shall have authority, subject to the orders of the Collector, to delegate the powers vested in them by the second Section of this Act, to any public servants placed under their authority; and that the provisions of the three last preceding Sections of this Act, shall apply to all public servants to whom those powers shall have been so delegated, in the same manner as they apply to Tahseeldars.

ACT No. VIII. OF 1839.

Passed by the Hon'ble the President of the Council of India in Council, on the 8th April, 1839.

IT is hereby enacted, that the following Villages, lately comprising the Jagheer of Chinchnee, now lapsed to Government, shall from the time of passing this Act, be subject to all Acts and Regulations which are, or shall be in force, within the Territories subject to the Presidency of Bombay.

Pergunnahs Gokak and Anwal.

The two following Villages of the Purgunnah Terdal, viz.
1. Moja Sunkurhutee.
2. Moja Kowtkope.

The two following Villages of the Purgunnah Yadwad, viz.
1. Moja Hoolkoond.
2. Moja Boodnee.

The two following Villages of the Purgunnah Gudee Kokutnoor:
1. Moja Jhoonjurwad.
2. Moja Nundeshwur.

The Village of Moja Kutkeree of the Purgunnah Utnee.

The Village of Moja Chikpudsulgee of the Purgunnah Bidree.

The Village of Moja Oomruj of the Purgunnah Burdole.

The four following Villages of the Prant Meruj, viz.
1. Kusba Ashta, Kuryat Ashta.
2. Moja Dhamnu } Kurryat Tasgaon.
3. Moja Dhowlee }
4. Moja Sumdolee, Kurryat Sanglee.

The four following Villages of the Prant Raibaug, viz.
1. Thana Chinchnee } Kurryat Nandre.
2. Moja Umnapoor }
3. Kusba Eksumbe } Kurryat Eksumbe.
4. Moja Bhoj.... }

The two following Villages of the Prant Punnala, viz.
1. Moja Koondul } Turf Valve.
2. Moja Poonudee }

The Village of Ingulgee of the Koongol Purgunnah within the Dharwar Collectorate.

The three following Villages of the Patoda Purgunnah within the Ahmednuggur Collectorate,
Moja Singnapoor.
Half of Moja Godegaon.
Half of Moja Kaslee.

The Village of Hoondee Goonda of the Purgunnah of Terdal.

The Village of Moja Sooltanpoor of the Purgunnahof Terdal.

ACT No. IX. OF 1839.

Passed by the Hon'ble the President of the Council of India in Council, on the 15th April, 1839.

I. IT is hereby enacted, in addition to the Rules already in force for instituting suits *in formâ pauperis*, that no person shall be hereafter entitled to institute any suit *in formâ pauperis*, in any Civil Court of Judicature within the Territories subject to the Presidency of Fort William in Bengal, unless the Court in which his petition, may be presented shall, before granting such petition, be satisfied by the examination of the petitioner, or of his or her agents or witnesses, (which examination shall be taken on oath, or solemn affirmation in cases where a solemn affirmation may be received instead of an oath,) that there is probable cause for instituting the suit.

II. And it is hereby enacted, that in all suits instituted *in formâ pauperis*, the pleadings on the part of the defendant as well as all papers filed on his part on which a stamp is required by Schedule B. of Regulation X. of 1829 of the Bengal Code, may be written on unstamped paper, and copies of orders or proceedings which the defendant may be required to take, shall be furnished to him on unstamped paper; and the defendant shall not be required to deposit Vakeel's fees; provided always, that on the conculsion of the suit the Court shall calculate the whole of the costs which would have been incurred by the defendant on account of stamp duties if the suit had not been instituted *in formâ pauperis*, and shall charge the same to the party cast, or to the parties respectively, in such proportions as may be deemed reasonable.

III. And it is hereby provided, that nothing in this Act contained shall be construed to extend to any suits instituted *in formâ pauperis*, in any of Her Majesty's Courts of Justice.

ACT No. X. OF 1839.

Passed by the Hon'ble the President of the Council of India in Council,

on the 15th April, 1839.

I. IT is hereby enacted, that whoever, within the Settlements of Prince of Wales' Island, Singapore or Malacca, wages war against the Government of any Power in alliance or at peace with the Government of the Territories of the East India Company, or attempts to wage such war, or by instigation, conspiracy, or aid, knowingly abets the waging of such war, or makes, or by instigation, conspiracy, or aid in supplying or selling arms, equipments, or otherwise, knowingly abets the making of any preparation to commit depredations on the Territories of any such Power, shall be guilty of felony, and be liable to transportation for any term not exceeding fourteen years, or to imprisonment with or without hard labour for any term not exceeding ten years.

II. And it is hereby enacted, that whoever, within the Settlements aforesaid shall receive any property, such person knowing the same to have been taken from the Territories of any Power in alliance, or at peace with the Government of the Territories of the East India Company, in the prosecution of such war or depredation as aforesaid, shall be guilty of felony, and be liable to transportation for any term not exceeding fourteen years, or to imprisonment with or without hard labour for any term not exceeding ten years.

ACT No. XI. OF 1839.

Passed by the Hon'ble the President of the Council of India in Council, on the 22nd April, 1839.

I. IT is hereby enacted, that from the time of the passing of this Act, no Stamp Duty or Institution Fee shall be payable in respect of any proceeding in any Appeal, or in respect of any paper or copy of any paper necessary for any Appeal from any Court of the East India Company to Her Majesty in Council.

ACT No. XII. OF 1839.

Passed by the Hon'ble the President of the Council of India in Council, on the 29th April, 1839.

I. IT is hereby enacted, that from the first day of January in the Year of Our Lord One Thousand Eight Hundred and Forty, Regulation I. of 1827, passed by the Governor in Council of Prince of Wales' Island, Singapore and Malacca, shall be repealed.

II. And it is hereby enacted, that from the day aforesaid an Assessment shall be levied on all Dwelling Houses, and other Buildings within the limits of the Towns of George Town, Singapore and Malacca, according to the real annual values thereof, at a rate not exceeding ten per cent of such annual values.

III. And it is hereby enacted, that from the day aforesaid an Assessment shall be levied on all property of the nature described in the foregoing Section, but which shall be situated beyond the limits of the aforesaid Towns of George Town, Singapore and Malacca, at a rate not exceeding five per cent on the annual rent or value thereof.

IV. Provided always, that any property which would be subject to Assessment as aforesaid, of which the real annual value shall be less than Six Spanish Dollars shall be exempted from such Assessment, if it be the sole assessable property of the owner.

V. And it is hereby enacted, that it shall be competent to the Chief Civil Officer in authority, within the incorporated Settlement of Prince of Wales' Island, Singapore and Malacca to fix the limits of the aforesaid Towns, in order to the determination of the rates of Assessment leviable under this Act.

VI. And it is hereby enacted, that all Religious Edifices, Hospitals, Cemeteries, and Buildings, strictly and exclusively appropriated to charitable purposes, shall be exempted from Assessment under this Act.

VII. And it is hereby enacted, that all Houses, Bungalows and other Buildings situated within the limits of any Military Cantonment, and occupied by European or Native Officers, Soldiers, or Sepoys, shall be exempted from Assessment.

VIII. And it is hereby enacted, that a Tax shall be levied on all Carriages, Carts, and Cattle in use within the incorporated Settlement of Prince of Wales' Island, Singapore and Malacca, at the following rates:

On every four-wheeled Carriage, Spanish Dollars 10 per annum.
On every two-wheeled Carriage, Spanish Dollars 8 per annum.
On every Cart drawn by any description of Draught Cattle, Spanish Dollars 6 per annum.
On every Horse, Mare, Gelding, Pony, or Mule, Spanish Dollars 2 per annum.

IX. And it is hereby enacted, that the Chief Civil Officer in authority in the Straits under instructions from the Governor of Bengal, shall have power to appoint such Officers as may be deemed requisite for the collection of the Assessment and Taxes leviable under this Act at the Stations of Prince of Wales' Island, Singapore and Malacca, and the Officers so appointed shall, in the execution of their duty, be ubject to the same responsibility as would attach to them if they were employed i the collection of the Land Revenue.

X. And it is hereby enacted, that if payment of the aforesaid Assessment and Taxes be not duly made, the Officers appointed to collect the same shall certify in writing such non-payment to any Justice of the Peace, who, if he shall be satisfied that due diligence has been used to obtain payment, and that the same has been improperly withheld, shall issue his warrant for distraining the amount on any Goods and Chattels, to whomsoever belonging, in or upon the Dwelling Houses, and other Buildings respectively charged, or for distraining any person charged by his Goods and Chattels, or both, and for selling every such distress; and the overplus, after deducting the expences, shall be paid to the owner of the Goods and Chattels distrained.

XI. Provided always, that it shall be competent to the Officers appointed to collect the aforesaid Assessment and Taxes, in lieu of proceeding against defaulters by warrant of distress, to sue for the recovery of arrears through any Court of Justice to which defaulters may be amenable.

XII. Provided also, that if any party, from whom payment of the Assessment or Taxes leviable under this Act may have been demanded, objects to the demand, either on the ground of surcharge or by reason of claim to the exemption or abatement under any of the foregoing provisions, it shall be competent to such party, after payment of the amount demanded, to appeal against such demand to the Justices of the Peace sitting in General Quarter Sessions at the Station where such party resides, and the said Justices shall have power to hear and decide on such appeal, and to pass such order thereon as may seem just.

XIII. And it is hereby enacted, that out of the Funds collected from the Assessment and Taxes leviable under this Act, provision shall be made, in conformity with such instructions as may from time to time be issued by the Governor of Bengal for the efficient watching, cleansing, lighting, and repairing of the Streets and Thoroughfares in the Towns of George Town, Singapore and Malacca, and for the making and repairing of Roads and Bridges, and the effecting of other purposes necessary for the comfort and protection of the inhabitants of the incorporated Settlement aforesaid.

XIV. And it is hereby enacted, that as soon after the 1st day of January in each year as may be found practicable, the Officer collecting the Assessment and Taxes under this Act at each of the three Stations of Prince of Wales' Island, Singapore, and Malacca, shall prepare a Detailed Statement, exhibiting the sums collected under the several heads of Cesses and Taxes during the preceding year, and showing also the disbursements which have been made during the same period on account of the various purposes enumerated in this Act.

XV. And it is hereby enacted, that the Statement prepared in the manner aforesaid, and duly attested by such Officer as last mentioned, shall be published at the Station to which it relates in a Newspaper; and if such Station have no Newspaper, the publication shall be made in some other Newspaper of extensive circulation published within the incorporated Settlement of Prince of Wales' Island, Singapore and Malacca. And the said Statement shall also be open to general inspection at the Office of such Officer, for a period of one month from the date of its publication.

XVI. And it is hereby enacted, that the Officers appointed to collect the Assessment and Taxes leviable under this Act shall, in the conduct of their duties, be subject to the general superintendence and control of the Chief Civil authority residing in the aforesaid incorporated Settlement.

XVII. And it is hereby enacted, that the Officer Superintending the Police at each of the Stations of Prince Wales' Island, Singapore and Malacca, between the 1st and 15th day of January in each year, shall require the owners of all Palanquin Carriages, Carts, and other Vehicles, kept in such Station for the purpose of being let to hire for the conveyance of passengers or goods, to enter such Vehicles in a Register to be kept for that purpose at the Police Office. And every owner of a Palanquin Carriage, Cart, or other Vehicle, subject to such Registration, who shall omit to enter such Vehicle at the Police Office, in the manner required by this Act, shall, on conviction before a Justice of the Peace, forfeit for each offence a sum not exceeding Twenty Spanish Dollars, with costs of suit, which forfeiture shall on non-payment be recoverable by Warrant of Distress and sale under the hand of the convicting Justice of the Peace; and the overplus of the Goods and Chattels sold, after deducting the expences, shall be paid to such owner.

XVIII. And it hereby enacted, that the Assessment and Taxes leviable under this Act shall be paid half yearly in advance, and that the said Assessment shall be charged on the Dwelling Houses and other Buildings respectively assessed, and on the respective owners and occupiers thereof, at the time of such Assessment, and that the said Taxes shall be charged on the owners of the respective Cattle, Carriages, Carts, or other Vehicles subject to such Taxes.

XIX. And it is hereby enacted, that every owner of a registered Vehicle who shall neglect to place in a conspicuous part of such Vehicle a numbered board which shall be furnished to him by the Registering Officer, shall, on conviction before a Magistrate, forfeit the sum of Five Spanish Dollars for each offence, with costs of suit.

XX. And it is hereby enacted, that when any change in the occupation of any Dwelling House, or other Building assessed, shall take place within the year after such Assessment as aforesaid, then such Assessment may be levied in manner aforesaid as well upon the Dwelling House or other Building respectively charged, as upon the Goods and Chattels of the occupiers thereof according to their respective periods of occupation without any new Assessment.

XXI. And it is hereby enacted, that the owner of any Dwelling House, or other Building assessed, which is not let to any tenant, shall be deemed the occupier thereof, provided always, that if such owner can shew that the premises have not been inhabited or used for a period of three months or upwards in any year, he shall be entitled to a proportionate abatement of Assessment levied on the same for the said year.

XXII. And it is hereby enacted, that no Assessment or Charge made under the authority of this Act shall be impeached or affected by reason of any mistake in the name of any person liable to Assessment or Tax, or of any thing chargeable with Assessment or Tax, or any mistake in the amount of the Assessment or Tax charged, provided the directions of this Act be in substance and effect complied with.

ACT No. XIII. OF 1839.

Passed by the Hon'ble the President of the Council of India in Council, on the 20th May 1839.

I. IT is hereby enacted, that the several charges of the Port and Roadstead of Madras, levied under the heads of Anchorage duty, Light House duty, Regular Boat hire and Report Catamaran hire, shall from and after the first day of August next be consolidated and commuted into a Port duty to be levied at the rate of three Annas per Ton upon every Vessel, not being a vessel sailing under the colours of a Foreign European, or American nation of which the Tonnage shall not exceed 700 tons by measurement made in the manner prescribed by Act 5 and 6 of William IV. Cap. LVI. and if the vessel exceeds 700 tons by measurement so made, the Port duty shall be levied as upon that tonnage.

II. And it is hereby enacted, that upon every vessel sailing under the colours of a Foreign European, or American nation, that may anchor in the Port of Madras, there shall be levied a consolidated Port duty at the rate of three Annas six Pie per ton, according to measurement made in the manner above prescribed.

III. And it is hereby enacted, that if any vessels, British, Native or Foreign, anchoring in the Port of Madras, shall not break bulk therein, and shall not remain four complete days from the time of dropping anchor, there shall be levied upon such vessels reduced duties as follows; that is to say, two-fifths of the tonnage duty prescribed above shall be levied upon every vessel which without breaking bulk shall after anchoring therein sail again out of the Port within forty-eight hours, and seven-tenths upon every vessel which without breaking bulk shall stay more than forty-eight hours and less than four complete days.

IV. And it is hereby enacted, that all powers and authorities, penalties and other means whereby the payment of any of the charges of the Port and Roadstead of Madras may have been legally enforced before the passing of this Act, shall be applicable to the enforcing of the consolidated and commuted Port duties imposed by virtue of this Act.

V. And it is hereby enacted, that it shall be lawful for the Government of India to order the consolidation and commutation of any Port or Harbour duties, as levied in any subordinate Port of any Presidency into a Tonnage duty, which shall be leviable at the rate and in the manner specified in the next following Section of this Act, upon the vessels anchoring in and trading with such Port.

VI. And it is hereby enacted, that when the Governor General of India in Council shall direct the Port duties to be commuted and consolidated at any Port of the Madras Presidency, other than that of Madras, or at any subordiuate Port of any other Presidency, the total amount levied at such Port shall not exceed one Anna per ton for British and Native vessels not exceeding 700 tons, and upon vessels exceeding that measurement at the rate for 700 tons, and upon Foreign European, and American vessels, at the rate of one Anna four Pie per ton; and all vessels anchoring in any such Outports shall be charged with reduced duty, in the proportions above provided for the Port of Madras, if they leave such Port without breaking bulk before completing four entire days from the time of anchoring therein.

VII. And it is hereby enacted, that the consolidated and commuted Port duties above prescribed, when ordered to be levied in any Port by the Governor General of India in Council, shall be levied by the Officer appointed by the Government of the Presidency within which the Port is situate to give Port Clearances or other

customary documents to vessels sailing from such Port, that is to say, by the Master Attendant, or by the Collector of Customs at such Port, as may be ordered by such Government, and if such duties be not paid upon demand, it shall be competent to such Officer to withhold from the vessel on account of which payment may be refused, any Port Clearance or other customary document required to be possessed by ships leaving such Port until the same shall be paid.

VIII. And it is hereby enacted, that all the powers and authorities, penalties and other means by which any Port or Harbour duty of any subordinate Port of any presidency which shall be consolidated, and commuted by virtue of this Act may have been legally enforced before the consolidation, and commutation thereof as hereinbefore provided, shall be applicable to the enforcing of the consolidated and commuted duties at such Port by virtue of this Act.

ACT No. XIV. OF 1839.

Passed by the Hon'ble the President of the Council of India in Council, on the 27th May 1839.

I. IT is hereby enacted, that Acts No. XXXII. of 1837, and No. V. of 1837, be repealed on the first day of July next.

II. And it is hereby enacted, that on and after the said first day of July next every person who shall make with any Native of India any contract for labor to be performed in any British or Foreign Colony without the Territories of the East India Company, or who shall knowingly abet or aid any Native of India in emigrating from the said Territories for the purpose of being employed as a laborer, shall be liable, on conviction before a Magistrate or Justice of the Peace, to a fine not exceeding two hundred Rupees for every Native so contracted with, aided or abetted, and in default of payment of such fine, shall be liable to be imprisoned for a term not exceeding three months.

III. Provided always, that nothing in this Act contained shall be taken to apply to any Native Seaman who shall of his own free will contract to navigate any Vessel, or who shall embark on board such Vessel in pursuance of such contract, or to any person who shall contract to serve as Menial Servant only, or who shall embark as such Menial Servant.

ACT No. XV. OF 1839.

Passed by the Hon'ble the President of the Council of India in Council, on the 10th June, 1839.

I. IT is hereby enacted, that if any person on or after the day on which this Act will come into operation, as hereinafter provided, lands or attempts to land in any part of the Territories subject to the Government of the Presidency of Fort St. George, any Foreign Sugar, or any Sugar which is the growth of any British possession into which Foreign Sugar can be legally imported, such Sugar shall be seized and confiscated by the Collector of the Customs, or by any other Officer thereunto authorized by the Governor in Council of the said Presidency, provided always, that Sugar which is the growth of any part of the Presidency of Fort William in Bengal, into which Foreign Sugar, and Sugar which is the growth of any British possession into which Foreign Sugar may be legally imported, are prohibited from being landed, may, during such prohibition, be landed in the said Territories as heretofore.

II. And it is hereby enacted, that if any person being in possession of Sugar, the produce of the said Territories, desires to obtain a certificate of origin from the Collector or Assistant Collector of the Land or Custom Revenue of any district within the said Territories, or from any other Officer appointed by the Governor in Council of Fort St. George to give such certificates, such person shall, in the presence of the Officer from whom he desires to obtain such certificate, make and subscribe a Declaration in the form contained in the Schedule hereunto annexed, marked A.

III. And it is hereby enacted, that the Officer before whom such a Declaration as is aforesaid shall have been made, shall grant under his hand and seal to the Declarant a certificate in the form contained in the Schedule hereunto annexed, marked B.

IV. And it is hereby enacted, that every person who intends to ship Sugar from any place within the said Territories for any part of the United Kingdom, shall be entitled to produce to the Collector of Customs at that place, or to any other Officer who may have been appointed by the Governor in Council of Fort St. George, to act on such occasions instead of the Collector of Customs, a certificate such as is above described, and also in the presence of the Officer to whom he has so produced such certificate, to make and subscribe a Declaration in the form contained in the Schedule hereunto annexed, marked C.

V. And it is hereby enacted, that the Officer to whom such a certificate shall have been so produced, and before whom a Declaration in the last mentioned form shall have been so made and subscribed, shall grant to the person who has made the last mentioned Declaration a certificate in the form contained in the Schedule hereunto annexed, marked D.

VI. And it is hereby enacted, that any person who shall, in making any Declaration under the authority of this Act, knowingly affirm an untruth, shall, on conviction thereof, be punished by fine to an amount not exceeding Five Thousand Rupees, and imprisoment, with or without hard labor, for a term not exceeding two years.

VII. And it is hereby enacted, that this Act shall come into operation at the expiration of one year after the passing of this Act.

SCHEDULES.

A

I, A. B., solemnly declare, that all the Sugar hereinunder described, is, to the

best of my knowledge and belief, the produce of this district of

Description of the Sugar to which the Declaration relates.

Quantity.	Quality.	Number and denomination of Packages.

The day of 18.

(Signed) A. B.

B.

I, C. D., Collector of Land Revenue (or Collector of Custom Revenue, or being an Officer appointed by the Governor in Council of Fort St. George to act in this behalf) for this district of
do hereby grant this certificate under my hand and seal, that the Sugar hereinunder described, is of the produce of this district of
and that the importation of Foreign Sugar, and of Sugar the growth of any British possession into which Foreign Sugar can be legally imported, is prohibited in the said district of

Description of the Sugar to which the Certificate relates.

Quantity.	Quality.	Number and denomination of the Packages.	Name of the Declarant on whose declaration the certificate is given.

L. S

(Signed) C. D.

C.

I, E. F., Shipper of the Sugar hereinunder described, solemnly declare, that all the Sugar hereinunder described, is, to the best of my knowledge and belief, the same Sugar to which the certificate now produced by me relates.

Description of the Sugar to which the Declaration relates.

Quantity.	Quality.	Number and denomination of Packages.	Name of Ship in which the Sugar is shipped or to be shipped.	Name of the Master of the Ship.

(Signed) E. F.

D.

I, G. H., Collector of Customs, (or being an Officer appointed by the Governor in Council of Fort St. George to act in this behalf) for the port of
certify, under my hand and seal, that there has been produced to me by E. F., the shipper of the Sugar hereinunder described, a certificate under the hand and seal of C. D., Collector of Land Revenue, (or Collector of Custom Revenue, or being an Officer appointed by the Governor in Council of Fort St. George to act in this behalf) for the district of
in the Territories subject to the Government of the

presidency of Madras, which certificate certifies, that the said Sugar is the produce of the said district, and that the importation of Foreign Sugar, or Sugar the growth of any British possession into which Foreign Sugar can be legally imported, is prohibited in the said District.

Description of the Sugar to which this Certificate relates.

Quantity.	Quality.	Number and denomination of Packages.	Name of the Ship.	Name of the Master of the Ship.

L. S. (Signed) G. H.

ACT No. XVI. OF 1839.

Passed by the Hon'ble the President of the Council of India in Council, on the 10th June, 1839.

I. IT is hereby enacted, that from the first day of January, in the year of Our Lord 1840, the following Rules shall be in force for regulating the Assessment and collection of the Rents payable to Government in the Settlements of Prince of Wales' Island, Singapore and Malacca.

II. And it is hereby enacted, that if any person, except as is provided in the last Section of this Act, shall hold or occupy any land within any of the Settlements aforesaid, not under a grant or title from Government duly registered, and which land has not been declared by competent authority, free from Assessment, such land shall be liable to Assessment, and shall be assessed in such manner, at such rate, and under such conditions, as the Collector acting under the instructions of the Governor of Bengal shall determine.

III. And it is hereby enacted, that if any person holding or occupying land in the manner set forth in the preceding Section, shall refuse to engage for, or to remove from the land within one month from the date on which he shall be called upon by the Collector to enter into such engagement, or so to remove from it, by a written notice to be served personally, or at the residence of the owner or occupier, or to be stuck up on the premises, it shall be lawful for the said Collector to eject such person from the land so held or occupied, and to take and hold possession of the same on the part of Government, to be disposed of in such manner as the Governor of Bengal may direct. Provided that no person so holding or occupying land who has filed or shall file his claim to exemption from Assessment thereon before the day and year aforesaid, shall be liable to be so called upon by the Collector until his claim shall have been determined by competent authority.

IV. And it is hereby enacted, that all Magistrates and Police Officers shall aid and assist the Collector and his Officers in the due exercise of the power of ejectment conferred upon the said Collector by the foregoing Section, and any holder or occupier of land who shall resist or cause to be resisted the exercise of the said power, and any person who shall be aiding and abetting in such resistance, shall, on conviction before a Magistrate, be punished by fine not exceeding one thousand Rupees, or in default of payment of the fine, by imprisonment not exceeding six months.

V. And it is hereby enacted, that after the date on which this Act shall be in force in the Settlements aforesaid, any person desirous of clearing and occupying waste and forest lands for the purposes of agriculture, shall make application to the Collector of Land Revenue, who is hereby authorized to measure and assess the land, and to grant a lease for the same, in such manner, and under such conditions, as the Governor of Bengal may from time to time prescribe. And if, by reason of the density of the jungle or other obstacles, it should be found impracticable to cause immediate measurement to be made of land so to be leased, it shall be competent to the Collector to issue to such applicant a permit or written authority, of which the number, date, and all essential particulars shall be entered in a Register to be kept for that purpose, to clear and occupy such land, subject to the conditions on which a lease would have been granted. And on all land occupied under any such permit so issued, it shall be lawful for the Collector to demand and enforce

the payment of rent in like manner as if a regular lease had been granted. And the Collector shall, with all practicable despatch, cause all land so occupied to be measured, and after such measurement the permit shall be called in and cancelled, and in lieu thereof a lease shall be issued, the term of which shall commence from the date of the permit. Provided, however, that it shall not be competent to a Collector to grant any lease of lands for a term exceeding twenty years, renewable on such conditions as the Governor of Bengal may direct for a further period of thirty years.

VI. And it is hereby enacted, that upon granting any lease under the Provisions of the foregoing Section, the Collector shall require the applicant to set up good and solid landmarks by which the boundaries of the ground to be occupied by him shall be plainly defined; and such landmarks shall be set up to the satisfaction of the Collector to be certified by him on the back or other part of the lease, before the lease shall take effect, and it shall be a condition in every lease so granted that the lessee is to maintain all such landmarks in substantial repair. And if it shall be proved to the satisfaction of the Collector, that, notwithstanding this condition, such landmarks have not been kept in good repair, it shall be competent to the Collector to cause the proper repairs to be made, and to levy three times the cost of such repairs from the holder or occupier of the land, the amount to be levied by the process provided for the collection of rents. And the Collector or his Officers shall at all times have the right of free access to such land, for the purpose of inspecting and directing the construction or repair of the landmarks; and any person resisting them in the exercise of this right, or removing or defacing any landmark set up in conformity with the provisions of this Act, shall be punished in the manner provided in the IV. Section of this Act.

VII. And it is hereby enacted, that all applications to hold or occupy lands for a term exceeding that specified in Section V., for the purpose of erecting houses or other durable works on such lands beyond the limits of the principal towns in the Settlements aforesaid, shall be forwarded by the Collector to the Governor of Bengal, who will grant or reject such applications as in his judgment may seem fit.

VIII. And it is hereby enacted, that every lease granted under the Provisions of this Act shall be signed by the Collector for the time being, and shall specify the name of the lease-holder, the quantity and boundaries of the land included in the lease, and the rate of rent to be paid per acre per annum: which particulars, together with any other conditions material to the rights of Government, and of the party obtaining the lease, shall be entered in a Register to be kept in the Collector's Office for that purpose.

IX. And it is hereby enacted, that it shall be lawful for the Collector to accept, on the part of Government, any surrender of a grant or lease by the parties interested in the same for the purpose of subdividing the same, and to re-grant or lease the same in parcels. Provided that no such subdivision shall be allowed, unless all arrears of rent, under the original grant or lease, are paid up, and provided that on no one portion of a grant or lease so subdivided, shall a less rent than one rupee per annum be leviable

X. *Clause First.*—And it is hereby enacted, that whenever the rent of any grant or lease from Government of land within any of the Settlements aforesaid shall fall due, payment thereof shall be made by the holder or occupier of the land at the Office of the Collector, or to such person as shall be authorized to receive the same, and on failure of such payment, the same may be recovered in the manner following.

Clause Second.—When an arrear of rent shall have become due, the Collector shall demand payment of it by a notice of demand, in writing, stating the amount of the arrear, and requiring payment of the same within fifteen days from the date of the service of the notice, and stating that in default of payment within the period specified, the amount of the arrear due, together with the costs of process, will be recovered under the powers of this Act.

Clause Third.—The notice of demand shall be served by the delivery thereof to any holder or occupier of the land, or by being left at his ordinary place of residence, or by being stuck up on the premises.

Clause Fourth.—For the service of the aforesaid notice one Rupee shall be charged, and shall be leviable, if not paid on demand, in the same manner as arrears of rent.

Clause Fifth.—Whenever an arrear of rent shall be demanded in the manner above prescribed, and shall not be discharged, it shall be lawful for the Collector to issue an attachment and to seize by virtue of such attachment, as well the personal property of the holder or occupier, as also any effects or any crops to whomsoever belonging which may be found upon the land on account of which the arrear may be due, and to bring the same to sale by public auction at the Collector's office or elsewhere, five days previous notice of such sale being stuck up at some conspicuous spot, and at the place where it is intended to bring the crop, or other property, to sale.

Clause Sixth.—The attachment shall be made by an Officer deputed for the purpose, who shall publicly notify the attachment, and shall set his seal on any property attached, and take an inventory thereof; and it shall be competent to the said Officer to require the assistance of the Police in case of resistance to his authority, or of any attempt to remove the crops or other property from the premises, or otherwise to defeat the process.

Clause Seventh.—For an attachment made in pursuance of the foregoing rules, whether a sale shall actually take place or not, two Rupees shall be charged, and shall be leviable, if not paid on demand, by the sale of a portion of the attached property.

Clause Eighth.—If an arrear of rent, due as aforesaid, cannot be recovered in manner aforesaid, and the arrear shall not be discharged within six months from the date of the notice of demand prescribed by the Second Clause of this Section, it shall be lawful for the Collector to bring to sale the land on account of which the arrear shall have been demanded, in the manner following.

Clause Ninth.—An advertisement shall be stuck up for not less than twenty days before the sale, in the Collector's Office, and in a Court of Justice situated near to the land, specifying the description of the land, the name of the defaulter, the amount of the arrear, the time and place of the intended sale, and the conditions thereof. The sale shall be conducted by Public Auction, in the presence of the Collector, the highest bidder shall be declared the purchaser, and the proceeds of the sale, after deducting the arrear originally due to Government, with interest thereon at 12 per cent. per annum, and any further arrear that may have accrued up to the day of sale, together with the costs incurred by the sale, or other lawful process, shall be paid over to the party or parties entitled. On payment of the purchase money, the purchaser shall receive from the Collector a title-deed correspondnig in quality and conditions with the original grant or lease, and bearing on it all material specifications relating to the quantity and situation of the land, its boundaries, the rent demandable, the date from which its payment is to commence, and other necessary particulars; and the Collector shall forthwith put the purchaser in possession of the land so transferred, requiring for that purpose the aid of the Police, if needful. The Collector shall notify in the most public manner the result of the sale, the conveyance of the title and right, which were of the defaulter to the purchaser, and the cancelment of the original grant or lease, together with all leases, incumbrances or other interests derived therefrom. And any person wilfully and with fraudulent intent offering for sale, transfer, mortgage, or otherwise making use of any such grant or lease, or of any lease, incumbrance, or other interest derived therefrom, and which shall have been so declared to be cancelled, shall, on conviction before a Magistrate, be punished by a fine not exceeding five hundred rupees, or in default of payment of such fine, by imprisonment not exceeding four months. And any person resisting or obstructing the Collector or the Officers acting under his orders, whilst placing the purchaser in possession of land so sold for arrears of rent, shall be punished in the manner provided in Section IV. of this Act.

Clause Tenth.—It shall be lawful for the Collector before the payment of any surplus to deduct as part of the costs incurred by the sale, two Rupees for the advertisement, and one per cent. on the net proceeds of the sale authorized by the foregoing Clause, to be carried to the credit of Government, for the purpose of meeting the expense of carrying the sale into effect.

Clause Eleventh.—Any person having any interest in any property liable to be sold as aforesaid, shall at any time previous to the sale thereof be enabled to prevent such sale by payment of the rent in arrear, together with interest and all legal expences incurred, to the Collector, who, upon such payment, shall desist from, and withdraw all legal proceedings.

Clause Twelfth.—Provided, that the summary process authorized by any of the Clauses of this Section shall be held applicable only to arrears of rent which have become due within the period of one year prior to the execution of such process.

Clause Thirteenth.—Any person served with a notice of demand, or whose crop or personal property may have been seized under an attachment issued in manner aforesaid, who may dispute the justness of such demand or attachment, shall be at liberty, at any time before the sale of his crop or personal property, or, in the event of the land being advertized for sale, at any time before the sale thereof, to represent his objections to such demand, attachment or sale, to the Collector; and if the Collector shall, notwithstanding such objections, adhere to the demand, attachment, or sale, it shall be lawful for the said person to apply by petition for redress to any Civil Court competent to take conizance of his complaint; and the Court, after hearing the Collector's answer, and making such further enquiry as may be necessary, during which the sale of any such crop, property, or land, shall be stayed, shall pass judgment either for enforcing or staying the demand, and shall adjudge the costs and charges of the suit, or such portion thereof as may be just and proper, to be paid by the party cast.

Clause Fourteenth.—Provided, that in the case mentioned in the last Clause, no sale of crops, or of personal property, or of land, shall be stayed, unless the party disputing the justice of the demand or attachment shall, on presenting his petition to the Civil Court, deposit therein, or at the Collector's Office, the whole amount of the arrears of rent demanded, together with interest, and legal expences incurred, or unless such party shall give substantial security to the satisfaction of the Civil Court for making good the award that may be ultimately passed in the case.

XI. *Clause First.*—And it is hereby enacted, that all mutations by act of party or by succession in titles to land, taking place after the first day of January in the year of our Lord 1840, shall be registered under the following rules.

Clause Second.—The party claiming by right of transfer or succession shall attend at the Collector's Office, either in person, or by his constituted agent, and shall make application for registering the mutation, producing the original grant or lease, together with the bill of sale or other deed of transfer, which must be made out in the English language, and according to a form which will be found in the Collector's Office, or, in case of successions, the Probate or Letters of Administration, together with the Original Will, if any, or a Copy thereof, after which notice of the mutation shall be registered, the date and other particulars of the transaction being entered in the Register in a clear and distinct form.

Clause Third.—No mutations of title to lands shall be registered until the Collector shall have satisfied himself that the boundaries of the lands have been distinctly defined by convenient and substantial landmarks. The parties whose title to lands may be so registered are required to maintain the landmarks laid down in a state of good and sufficient repair, so that they may be at all times available for the purpose of accurate ascertainment of the limits of each occupancy, and every holder or occupier of such lands, wilfully neglecting to maintain such landmarks in a sound and serviceable condition, shall forfeit a sum equal to three times the cost of the erection or repairs which may become necessary in consequence of such default, and which shall be undertaken by the Collector: the amount of the forfeiture to be levied in like manner as rents are to be collected under the provisisons of this Act. And the holders or occupiers of such lands are required to admit free access to the same by the officers of Government for the purpose of ins

pecting the landmarks, and of measuring and laying down boundaries, and any holder or occupier of land, or other persons who shall obstruct or resist such officers, shall be liable to the penalties prescribed in Section IV. of this Act.

Clause Fourth.—It shall be lawful for the Collector to demand and receive, on the part of Government, a fee to meet the charges attending the registry of 4 Rupees, and of 1 Rupee for inspecting the Register, and of two Rupees for granting a Certified Extract from the Register.

Clause Fifth.—The Registry of a mutation shall not of itself be taken to convey or establish any legal title to land, nor shall it be held to corroborate, qualify, or bar any rights which may come to be questioned judicially. But no deed whatsoever for the sale or transfer of land which may be executed after the first day of January in the year of our Lord 1840, shall be admitted to be valid by the Officers of Government, or be received in evidence as a legal instrument by any Court of Judicature, unless the same shall have been registered in the Collector's Office in the manner directed by this Section, nor shall any Probate or Letters of Administration be received as evidence of title to land until so registered.

XII. And it is hereby provided, that nothing in this Act contained shall apply to such cultivators and resident tenants of Malacca as hold their lands by prescription, subject only to a payment to Government of one-tenth part of the produce thereof, whether such payment be made in kind or in the form of a sum of money received by the Government in commutation of the payment in kind.

ACT No. XVII. OF 1839.

Passed by the Hon'ble the President of the Council of India in Council, on the 1st July, 1839.

It is hereby enacted, in modification of so much of Sections VI. and XIV. of Act No. XVII. of 1837, as provides that Postage Duties shall be levied at the rates set forth in Schedules A and B appended to the said Act, that it shall be competent to the Governor General of India in Council, by an order and notice to be published in the Government Gazettes of the several Presidencies of India, to authorize the levy of Postage Duties at rates different from those severally specified in the Schedules A and B annexed to Act XVII. 1837, and to publish revised Schedules from time to time to give effect to such modification; provided always there be no increase made thereby in any particular of the rates prescribed in the said Schedules A and B; and likewise to fix the time when the levy shall commence to be made at such modified rates, and to cancel or modify any order and notice so issued by further similar order and notice, and the said revised Schedules of rates shall, for so long as may be so ordered and notified, be of the same effect and validity as the Schedules annexed to the said Act.

ACT No. XVIII. OF 1839.

Passed by the Hon'ble the President of the Council of India in Council, on the 15th July, 1839.

It is hereby enacted, that any person accused of the offence of murder by Thuggee, or of the offence of unlawfully and knowingly receiving or buying property stolen or plundered by Thuggee, may be tried by any Court which would have been competent to try him if his offence had been committed within the Zillah where that Court sits, any thing contained in any Regulation or Regulations to the contrary notwithstanding.

ACT No. XIX. OF 1839.

Passed by the Hon'ble the President of the Council of India in Council, on the 22d July, 1839.

It is hereby enacted, in modification of Clause 5th, Section XIII. of Regulation XIII. of 1827, of the Bombay Code, that all Sentences passed by an Assistant Session Judge whereby a Convict is liable to imprisonment for a period exceeding two years shall, before they are carried into execution, be confirmed by the Session Judge, whose powers and proceedings in respect of any such case shall be the same as are laid down for the guidance of the Sudder Foujdaree Adawlut in Clause 2d of the Section and Regulation aforesaid, and it shall not be necessary to refer any such case to the Sudder Foujdaree Adawlut.

ACT No. XX. OF 1839.

Passed by the Hon'ble the President of the Council of India in Council, on the 29th July, 1839.

I. IT is hereby declared and enacted, that it shall be lawful for the Governor in Council of Bombay to issue orders prohibiting the levy of Hucks and Fees of every description, and Customs, whether by land or sea, enjoyed by holders of rent-free lands or other persons, and of alienated shares of any item of Revenue after the abolition or relinquishment thereof by Government.

II. And it is hereby enacted, that the legality of any orders which may have been heretofore issued, or of any orders which conformably with this Act hereafter shall be issued by the Gevernor in Council of Bombay for prohibiting the levy of any such Hucks or Fees, Customs, or alienated shares of any such item of Revenue as aforesaid, shall not be questioned in any Court of law.

III. And it is hereby enacted, that whoever shall levy any such Huck, Fee, Customs, or item of Revenue after any such order prohibiting the same as aforesaid shall have been published in the Government Gazette of the Presidency of Bombay, and by notice fixed at the post or place at which it has heretofore been claimed, or collected, shall be punishable as for an undue exaction under Regulation XVII. of 1827, Section 16, of the Bombay Code, notwithstanding the offender be not a Revenue Officer of Government.

ACT No. XXI. OF 1839.

Passed by the Hon'ble the President of the Council of India in Council, on the 26th August, 1839.

AN Act for the trial of Prisoners charged with the commission of certain petty offences in the Town of Calcutta and on the River Hooghly.

I. Whereas it is expedient to make further provision in regard to such charges of felony as have been usually determined by Justices of the Peace, under the authority of the Bye-Laws for the Town of Calcutta; by preventing, as far as is consistent with the attainment of justice, any delay of trial, or inconvenience to prosecutors, witnesses and jurymen; by limiting the powers heretofore exercised by such Justices; and by subjecting their proceedings upon convictions for felony to more regular control and revision: and whereas it is also expedient to provide the like remedy in cases of assaults committed in certain parts of the River Hooghly without the limits of the Town of Calcutta as hath been provided in cases of assaults committed within such limits.

It is, therefore, hereby enacted, that it shall not be lawful for any Justices or Justice of the Peace to sentence any person charged with the commission of any felony within the Town of Calcutta, or with the possession of stolen property within the same Town, by virtue of any Bye-Law for the Town of Calcutta, or by virtue of such Bye-Law and under Act IV. of 1835, or otherwise than according to the Provisions of this Act; and the sixth Section of a certain Rule Ordinance and Regulation entitled a Rule Ordinance and Regulation for the good order and Civil Government of the Settlement of Fort William in Bengal, passed in Council on the 26th day of July in the Year of Our Lord 1814, and Registered in the Supreme Court on the 11th day of November in the same year, is hereby repealed.

II. And it is hereby declared and enacted, that all persons charged with the commission of simple larceny within the Town of Calcutta may be tried by any Justice of the Peace for the said Town, provided the value of the property which the Prisoner is charged with having stolen does not, according to the belief of such Justice, exceed twenty Rupees.

III. And it is hereby provided, that such Justice of the Peace shall not have power to sentence any such person to be imprisoned with or without hard labor for a longer period than six calendar months, or to be transported.

IV. And it is hereby provided, that it shall be lawful for any Justice of the Peace before whom any person is charged with the commission of any simple larceny, at his discretion, instead of trying such person himself, to commit such person for trial before Her Majesty's Supreme Court of Justice in Calcutta.

V. And it is hereby enacted, that every such Justice, after trying any offender charged with the commission of a simple larceny, shall cause his judgment to be drawn up in the following form of words, or in such other form of words to the same effect as the case shall require, that is to say:

Be it remembered that on the day of in the Year of Our Lord at Calcutta, A. B. is (acquitted, or convicted) before me J. P. a Justice of the Peace for the Town of Calcutta, on a charge of simple larceny, for that he the said A. B. did feloniously (here specify the alleged offence and the time and place when and where the same

was committed, as the case may be) and I the said J. P. believe the value of the property stolen to amount to a sum not exceeding twenty Rupees, that is to say —— Rupees, and I the said J. P. adjudge the said A. B. (here state that the Prisoner is to be discharged, or the punishment he is to suffer, as the case may be.)

Given under my hand, the day and year first above named.

(Signed) ——————

VI. And it is hereby enacted, that once at least in every Term, and oftener if required by Her Majesty's Supreme Court of Justice at Calcutta, every such Justice shall transmit to Her Majesty's said Supreme Court of Justice all judgments whether of acquittal or conviction passed by him, together with the depositions and examinations of the Witnesses and Prisoners, there to be kept by the proper officer among the records of the Court.

VII. And it is hereby enacted, that upon the trial of any Prisoner for simple larceny as aforesaid, every such Justice of the Peace shall require the witnesses against and on behalf of the Prisoner to be sworn, or to make solemn affirmation in cases where an affirmation is by law permitted in the place of an oath, and shall cause the depositions of the Witnesses and the examination of the Prisoner to be reduced into writing, and every such deposition and examination shall be signed by such Justice.

VIII. And it is hereby enacted, that upon the trial of any person charged with the commission of simple larceny before any such Justice of the Peace as aforesaid, if any person being duly summoned by such Justice shall refuse to attend as a witness or to give evidence, he shall be liable to be punished by Her Majesty's Supreme Court of Justice at Calcutta, in like manner as if he had refused to attend as a witness or to give evidence before Her Majesty's said Supreme Court of Justice.

IX. And it is hereby enacted, that upon any conviction for simple larceny as aforesaid, the Justice of the Peace before whom any person shall be so committed shall have power to order the restitution of the property stolen, if forthcoming, to the owner or his representative, and in case of its not being restored pursuant to such order, to impose on any person refusing or neglecting to restore the same a fine not exceeding twenty Rupees, and in default of payment adjudge the person guilty of such neglect or refusal, to be imprisoned for the space of one calendar month unless the property be sooner restored.

X. And it is hereby enacted, that all persons charged with the commission of any assault or battery on board of any Merchant Ship employed on Sea Voyages, in the River Hooghly, or the mouths thereof being part of the Territories of the East India Company, may be tried before any such Justice of the Peace, and on conviction shall be liable to be punished by a fine not exceeding one hundred Rupees, to be levied and enforced in manner provided by Act II. of 1839. And all the Provisions of this Act made in the case of charges of simple larceny shall, as far as they are applicable, be applied in the case of such charges of assault or battery as aforesaid.

XI. And it is hereby declared, that nothing in this Act contained shall be construed to affect the remedy of any person aggrieved by the conviction of any Justice of the Peace through the means of the Writ of Certiorari.

ACT No. XXII. OF 1839.

Passed by the Hon'ble the President of the Council of India in Council, on the 9th September, 1839.

AN Act for enabling persons charged with offences to make their defence more effectually.

I. Whereas it is expedient to extend to the territories under the Government of the East India Company, the provisions of the Statute 6th and 7th, William IV. Chapter CXIV:

It is therefore hereby enacted, that all persons tried for any offence in any of Her Majesty's Courts of Justice shall be admitted, after the close of the case for the prosecution, to make full answer and defence thereto by Counsel learned in the law, or by Attorney in Her Majesty's Court of Justice where Attorneys may parctice as Counsel.

II. And it is hereby declared and enacted, that in all cases of summary conviction by a Magistrate or Justice of the Peace, exercising jurisdiction within the limits of any of Her Majesty's Supreme Courts, persons accused are and shall be admitted to make their full answer and defence and to have all witnessess examined and cross-examined by Counsel or Attorney.

III. And it is hereby enacted, that all persons who after the passing of this Act shall be held to bail, or committed to prison, for any offence against the law for which they are to be tried before any of Her Majesty's Courts of Justice shall be entitled to require and have on demand (from the Person who shall have the lawful custody thereof, and who is hereby required to deliver the same) copies of the examinations of the Witnesses respectively upon whose depositions they have been so held to bail or committed to prison on payment of a reasonable sum for the same to be fixed by such Courts respectively. Provided always that if such demand shall not be made before the day appointed for the commencement of the Sessions at which the trial of the person on whose behalf such demand shall be made to take place, such person shall not be entitled to have any copy of such examination of Witnesses unless the Judge at such trial shall be of opinion that such copy may be made and delivered without delay or inconvenience to such trial; but it shall nevertheless be competent to such Judge, if he shall think fit, to postpone such trial on account of such copy of the examination of Witnesses not having been previously had by the party charged.

IV. And it is hereby enacted, that all persons under trial in any of Her Majesty's Courts of Justice shall be entitled, at the time of their trial, to inspect, without fee or reward, all depositions or copies thereof which have been taken against them, and returned into the Court before which such trial shall be had.

ACT No. XXIII. OF 1839.

Passed by the Hon'ble the President of the Council of India in Council on the 23d September, 1839.

An Act for authorizing Sentences of Imprisonment with or without Hard Labor by Courts Martial in certain cases.

IT is hereby declared and enacted, that in all cases in which, by a General Order of the Governor General of India in Council dated the 24th of February in the year of our Lord 1835, it is made competent for Courts Martial to sentence Soldiers of the Native Army in the service of the East India Company to the punishment of dismissal from such service, it is and shall be lawful to sentence such Soldiers to be imprisoned with or without hard labor for any period not exceeding two years if the sentence be pronounced by a General Court Martial, or not exceeding one year if the sentence be pronounced by a Garrison or Line Court Martial, or not exceeding six months if the sentence be pronounced by a Regimental or Detachment Court Martial. And every Soldier so sentenced to imprisonment with hard labor for any period whatever, or to imprisonment without hard labor for any period exceeding six months, shall after confirmation of his sentence be dismissed from such service. Provided always, that all sentences under this Act pronounced by any Court Martial inferior to a General Court Martial, shall require the confirmation of the General or other Officer Commanding the Division or Field Force to which the person convicted belongs.

ACT No. XXIV. OF 1839.

Passed by the Hon'ble the President of the Council of India in Council on the 2d October, 1839.

AN Act for the Administration of Justice and Collection of the Revenue in certain parts of the Districts of Ganjam and Vizagapatam.

I. It is hereby enacted, that from the first day of December 1839, Act XXIII of 1836 shall be repealed.

II. And it is hereby enacted, that from and after the said first day of December 1839 the operation of Rules for the Administration of Civil and Criminal Justice, as well as those for the collection of the Revenue, shall cease to have effect, except as hereinafter mentioned, within the undermentioned tracts of Country at present included in the Districts of Ganjam and Vizagapatam:

In the District of Ganjam.

Zemindaries.

Pauloor.
Hoomanah.
Becridee.
Khullicottah.
Pratapagery.
Mohery.
Vizeyanagur.
Hautghur.
Bramnorchee.
Chegatee.
Mundasa.
Soorunghi.
Jaradah.
Jaluntra.
Boodara Singhy.
Dharacotah.
Badagodah.
Sareghur.
Turlah.
Purlah Khinedy.

Aumany Estates.

Goomsur.
Sooradah.
Askah.
Pornary.
Coorlaw.

In the District of Vizagapatam.

Ancient Zemindaries,

Vazeanagur.
Bobelly.

Hill Zemindaries,

Jayapoor.
Coorpam.
Sungumirulsah.
Chamadoo.
Panchepentah.
Andra.
Saroapully Bhomararum.
Saloor.
Mandoogole.
Belgam.
Maringhy.

Under Aumany.

Paleondah.
Golcondah.

III. And it is hereby enacted, that the administration of Civil and Criminal Justice, (including the Superintendence of the Police) and the collection and superintendence of the Revenues of every description, within the tracts of Country specified in the foregoing Section which are now included in the District of Ganjam, shall be vested in the Collector of Ganjam, aud within those which are now included in the District of Vizagapatam, in the Collector of Vizagapatam, and shall be exercised by them respectively as Agents to the Governor of Fort St. George.

IV. And it is hereby enacted, that it shall be competent to the Governor in Council of Fort St. George, by an Order in Council, to prescribe such rules as he may deem proper for the guidance of such Agents, and of all the Officers subordinate to their control and authority, and to determine to what extent the decision of the Agents in Civil Suits shall be final, and in what Suits an Appeal shall lie to the Sudder Adawlut, and to define the authority to be exercised by the Agents in Criminal Trials, and what cases he shall submit for the decision of the Fouzdaree Adawlut.

V. And it is hereby enacted, that upon the receipt of any Criminal trials referred by either of the Agents under the Rules which may be hereafter prescribed by the Governor in Council, the Fouzdaree Adawlut shall proceed to pass a final judgment, or such other order as may, after mature consideration, seem to the Court requisite and proper, in the same manner as if the Trial had been sent up in ordinary course from a Judge on Circuit.

VI. And it is hereby enacted, that upon the receipt of any Appeal from a Decree of either of the Agents, under the rules to be prescribed as aforesaid, the Court of Sudder Adawlut shall proceed to try and determine it in the same manner as Appeals from the Provincial Courts.

VII. And it is hereby enacted, that each of such Agents as aforesaid shall have the power of making Commitments by Warrant under his hand, which is possessed by the Governor of Fort St. George in Council by virtue of Regulation II. of 1819, of the Madras Code, provided that the third, fourth, fifth, sixth and seventh Sections of that Regulation shall remain in force and be applicable to Commitments under this Act. Provided also, that in every case in which either of such Agents shall make any such Commitment, he shall transmit immediately a Report to the Governor in Council of Fort St. George for his orders.

VIII. And it is hereby enacted, that it shall be competent to the Governor in Council of Fort St. George, by an Order in Council, to make, from time to time, with the previous sanction of the Governor General of India in Council, such alterations in the limits of the Tracts within the aforesaid Districts placed under the jurisdiction of the said Agents respectively, as he may deem expedient.

ACT No. XXV. OF 1839.

Passed by the Hon'ble the President of the Council of India in Council on the 25th November, 1839.

AN Act for the Presidency of Bombay, limiting the powers of Collectors as Magistrates and Assistant Collectors as Deputy Magistrates in certain cases.

It is hereby enacted, that Regulation IV. of 1831 be repealed, and that Clause 4, Section XI. and Clause 3, Section XXVII. of Regulation XVI. of 1827; Clause 4, Section XVI. of Regulation XVII. of 1827; and Clause 2, Section VIII. of Regulation XII. 1827, of the Bombay Code, so far as they relate to the penal jurisdiction of Collectors as Magistrates, be repealed. Provided always, that the offences specified in the said Sections, viz. Sections XI. and XXVII. of Regulation XVI. of 1827; Section XVI. of Regulation XVII. of 1827; and Section VIII. of Regulation XII of 1827, shall be cognizable by Magistrates and Assistant Magistrates under the general powers which are or hereafter may be vested in them by the Acts and Regulations applicable to the Bombay Presidency.

ACT No. XXVI. OF 1839.

Passed by the Hon'ble the President of the Council of India in Council on the 2nd December, 1839.

AN Act for regulating inquiries into the truth of matters implicating the public conduct of Officers not removeable without the sanction of Government within the Presidency of Fort William in Bengal.

I. Whereas it is expedient to consolidate the enactments contained in the Regulations concerning inquiries into the truth of matters implicating the public conduct of European Officers, and to amend the same in various particulars, and to extend the same to all Officers not removeable without the sanction of Government.

It is hereby enacted, that such parts of Section 10, Regulation V. of 1793 and of Section 10, Regulation IV. of 1803 as relate to charges of Corruption;

Section 8, Regulation VI. of 1793;

Section 8, Regulation V. of 1803;

Clauses 9, 10, and 11, and such other parts of Section 9, Regulation XIII. of 1793 as relate to Covenanted Servants of the Company;

Clauses 9, 10, and 11, and such other parts of Section 12, Regulation XII. of 1803 as relate to Covenanted Servants of the Company;

Section 4 and all the following Sections of Regulation VIII. of 1806;

Regulation X of 1806, excepting so much of Section 10 of that Regulation as relates to Security required from persons preferring charges against Hindoo or Mahomedan Law Officers, or Native Ministerial Officers of Courts;

Regulation XVII. of 1813;

Regulation VIII. of 1817;

And Sections 5 and 6 of Regulation VIII. of 1825; of the Bengal Code;

Together with so much of any Regulations as extends any of the above Regulations or parts of Regulations to any places within the Presidency of Fort William in Bengal, be repealed.

II. And it is hereby enacted, that in the Territories subject to the Presidency of Fort William in Bengal, whenever either of the Courts of Sudder Dewanny and Nizamut Adawlut, either of the Sudder Board of Revenue, or the Board of Customs, Salt and Opium, shall be of opinion that substantial grounds exist for making a regular and formal inquiry into the truth of any imputation of Official misconduct affecting any Officer subject to their controul respectively, and not removeable without the sanction of Government, they shall submit the documents on which their opinion may be founded, together with a statement of the charges reduced to distinct articles which they may propose to be made the subject of a regular investigation, to the Governor of Bengal, or to the Lieutenant-Governor of the North Western Provinces, or to any functionary exercising the authority of Government in the North Western Provinces, as the case may be, according to the authority to which they may be subject, for his consideration and orders.

III. And it is hereby enacted, that any charge or information, of the description aforesaid, may be preferred direct to either of the Courts of Sudder Dewanny and Nizamut Adawlut, either of the Sudder Board of Revenue, or the Board of Customs, Salt and Opium, respectively, who shall examine the complainant or informant circumstantially upon oath, or upon solemn affirmation if he be

entitled to be exempted from taking an oath, and require the party accused to explain or reply to any matters they may deem to need explanation, and make such further inquiries, upon oath or affirmation upon the subject as they may judge proper.

IV. And it is hereby enacted, that any charge or information may also be made before any Judge, Magistrate, Commissioner of Revenue, or Collector, for any acts of the description beforementioned committed within their jurisdiction respectively, who shall examine the complainant or informant circumstantially upon oath, or upon solemn affirmation if he be entitled to be exempted from taking an oath, and shall transmit the deposition so taken to the Sudder Dewanny and Nizamut Adawlut, the Sudder Board of Revenue, or the Board of Customs, Salt and Opium, according as the person accused may be subject to those Authorities respectively.

V. And it is hereby provided, that it shall not be lawful for the Courts of Sudder Dewanny and Nizamut Adawlut or the said Boards respectively, to act upon any such charge or information, unless the person preferring the same shall make oath, or solemn affirmation in case he be entitled to be exempted from taking an oath, that he believes the facts on which the charge is grounded to be true.

VI. And it is hereby provided, that it shall be lawful for the Courts of Sudder Dewanny and Nizamut Adawlut, and for the said Boards respectively, to dismiss any such charge or information, where they do not see any substantial reason for entering further into the inquiry. Provided, that on every occasion when they shall dismiss any such charge or information, they shall submit the same, together with all the circumstances of the case, in like manner as is provided in Section II of this Act.

VII. And it is hereby provided, that the said Courts of Sudder Dewanny and Nizamut Adawlut, and the said Boards respectively, may, at any stage of the inquiry into such matters as aforesaid, require the person preferring such charge or information as aforesaid to furnish such security as may be deemed reasonable that he will attend and prosecute the charge to a conclusion, and in the event of security being so required all proceedings shall be stayed until the same shall be furnished accordingly.

VIII. And it is hereby provided, nevertheless, that if any matter of the nature aforesaid affecting such Officer as is mentioned in the second Section of this Act shall appear in the course of any proceedings, whether preliminary or otherwise, which shall come before, or be reported to either of the Courts of Sudder Dewanny and Nizamut Adawlut, or any of the said Boards respectively, those authorities shall act upon such matter, or institute such inquiry upon oath or affirmation as aforesaid into the same as they shall deem proper for the purpose of such reference as aforesaid to the Governor of Bengal, or to the Lieutenant-Governor of the North Western Provinces, or to the Authority exercising the powers of Government in those Provinces as aforesaid, although no charge or information be preferred as aforesaid; and in such cases it shall not be necessary, before acting upon or instituting any inquiry concerning any matter so appearing in the course of proceedings, to require any oath or affirmation in regard to the truth of such matter.

IX. And it is hereby enacted, that if the Governor of Bengal, or the Lieutenant-Governor of the North Western Provinces, or the Authority exercising the powers of Government in those Provinces as aforesaid, upon such reference as is mentioned in the second Section of this Act, shall concur with the Authority by which it may be submitted, or if such Governor or Lieutenant Governor or Authority exercising the powers of Government shall, from information of the description aforesaid that may be laid before him in respect to such Officers as aforesaid not directly subject to the Courts or Boards above named, deem it necessary to institute proceedings against any such Officers, he shall appoint a Commissioner or Commissioners for making a regular and formal inquiry into the truth of the matters referred.

X. And it is hereby enacted, that on the appointment of every such Commission, the said Governor, or Lieutenant-Governor, or Authority exercising the powers of Government in the North Western Provinces, shall direct whether the Commission shall be placed under the control of any of the Authorities aforesaid, or shall act immediately under the authority of Government, and all Commissions appointed as aforesaid shall be guided by the instructions which they may receive in this behalf from the Government to which they may be respectively subordinate.

XI. And it is hereby enacted, that the Commissioner or Commissioners appointed as aforesaid, before entering on the discharge of his or their duties, shall take the following oath :—

I, A. B., Commissioner for the purpose of (here state the object of the Commission) do solemnly swear, that I will faithfully and impartially perform the duty committed to me without fear, favor, or bias, to the best of my ability, knowledge, and judgment; so help me God.

XII. And it is hereby enacted, that whenever a charge shall be referred for investigation to a Special Commission, the said Governor, or Lieutenant-Governor, or Authority exercising the powers of Government in the North Western Provinces, will determine whether the conduct of the prosecution shall be left to the accuser, or be undertaken on the part of Government. In the latter case, the said Governor, or Lieutenant-Governor, or Authority exercising the powers of Government in the North Western Provinces, will nominate such person or persons as may be deemed proper, to conduct the prosecution on behalf of Government.

XIII. And it is hereby enacted, that it shall be the duty of Commissioners appointed under this Regulation, after receiving the plaint or charge, and the documents from which the same may have been prepared, to call upon the person accused for his reply to the accusation; to examine upon oath, or under a solemn declaration, the witnesses named by the accuser or the accused; to receive any further written documents offered in support of, or against the accusation; and to call for and take any further requisite evidence which may be indicated by the witnesses adduced or documents exhibited by either party, and may appear to be necessary for the ascertainment of facts, or the discovery of the truth or falsehood of the charges, or of any part threof.

XIV. And it is hereby enacted, that for the discharge of the duties specified in the preceding Section, or any other functions which may be delegated to a Commission under this Regulation, such Commission shall be vested with the same powers as are exercised by the Zillah and City Courts, except that all process to cause the attendance of witnesses, or other compulsory process, shall be served through the Zillah or City Judge in whose jurisdiction the Commission may be held and executed by the Zillah or City Judge in whose jurisdiction the witness or other person upon whom the process is to be served may reside.

XV. And it is hereby enacted, that on the close of the evidence for the prosecution and defence, the accused shall be at liberty to record any observations upon the result of the inquiry which he may think necessary for the vindication of his conduct and character. The accuser, or the person appointed to conduct the prosecution on the part of Government, shall also be at liberty to record any remarks on the subject of the prosecution which he may deem requisite.

XVI. And it is hereby enacted, that as soon after the conclusion of the proceedings as circumstances shall permit, the Commissioner or Commissioners shall, when the Commission shall be instructed to act immediately under the authority of Government, submit directly to the Government to which he or they may be subordinate, and in other cases to the Controlling Court or Board, the proceedings under the Commission, accompanied by translations of papers not in the English language, together with a summary of the pleadings and evidence, and his or their opinion of the merits of the case.

XVII. And it is hereby provided, that it shall be lawful for the said Governor, Lieutenant Governor, or Authority exercising the powers of Government in the North Western Provinces, or the Controlling Court or Board, upon consideration of the report of any such Commission as aforesaid, to direct the Commissioner or

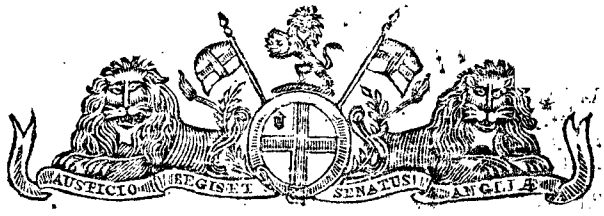
Commissioners to take further evidence, or to give further explanation of his or thei opinion or opinions connected with the case investigated, and the Commissioner o Commissioners are authorized and required to take such further evidence, and t give such further explanation.

XVIII. And it is hereby enacted, that the Sudder Dewanny and Nizamu Adawlut, or the Board to which any report of a Commissioner or Commissioners may be submitted as aforesaid, after due consideration of the same, and after obtainin such further evidence or explanations as they may require, shall submit the whol of the proceedings and documents received by them to the Government to whicl they may be subordinate, together with their opinion whether any and what charge have been established against the accused.

XIX. And it is hereby provided, that whenever a Special Commission may be appointed under the Provisions of this Act, the said Governor, or Lieutenant Governor, or authority exercising the powers of Government in the North Western Provinces will determine, on a view of the nature and circumstances of the case whether the accused Officer shall be suspended from the discharge of the function of his office; and if so, whether he shall be permitted to draw the established al lowances of his office, or otherwise.

XX. And it is hereby provided, that the Governor, or Lieutenant-Governor, or Authority exercising the powers of Government in the North Western Provinces on consideration of the report and proceedings submitted to him, in pursuance of Sections XVI. and XVIII of this Act, will pass such decision on the case as may appear to him most consonant to the principles of justice, and consistent with the powers possessed by Government in matters of this description; and in the event of his deeming it necessary that the party accused should be brought to trial, by a public prosecution before a competent Court of Law, will issue the necessary in structions for that purpose to the Law Officers of Government. But whatever proceedings may be held, or whatever decision or order may be passed by Govern ment, individuals deeming themselves aggrieved by any public Officer will be a all times at liberty to seek redress according to the ordinary forms prescribed by Law.

XXI. And it is hereby enacted, that nothing in this Act contained shall be construed to repeal the provisions respecting the dismissal and suspension of Prin cipal and other Sudder Ameens contained in Section XXVI of Regulation V o 1831 or the provision respecting the dismissal of Deputy Collectors contained in Section XXV of Regulation IX of 1833. Provided always, that it shall be lawful fo the Governor of Bengal, or the Lieutenant-Governor of the North Western Pro vinces, or the authority exercising the powers of Government in these Provinces respectively, upon any such reference as is mentioned in Section XXVI of Regula tion V of 1831, and Sections XXV of Regulation IX of 1833, at his discretion, t appoint a Commissioner or Commissioners for making such regular and formal in quiry touching imputations of official misconduct affecting any Principal or othe Sudder Ameen or any Deputy Collector as he shall think fit, in manner as is direct ed by this Act, and subject to its provisions.



ACT No. XXVII. OF 1839.

Passed by the Hon'ble the President of the Council of India in Council, on the 16th December, 1839.

AN Act for authorizing the Court of Requests for the Town of Calcutta to execute Decrees passed by the Judge of the Dewanny Adawlut of the Zillah of the 24-Pergunnahs in certain cases.

I. Whereas execution of the Decrees of the Courts of Justice of the Zillah of the 24-Pergunnahs is often defeated by the parties against whom the same have been obtained absconding from the limits of the said Zillah into the Town of Calcutta; and whereas by Regulation XVI. of 1812 of the Bengal Code, provision is made, where the like inconvenience occurs by parties absconding from the Town of Calcutta into the said Zillah, for the Judge of the said Zillah enforcing the judgments of the Court of Requests of the Town of Calcutta:

It is hereby enacted, that if the defendant in any suit decided by any Court of Justice of the Zillah of the 24-Pergunnahs the plaintiff in which shall have obtained a decree, shall retire before execution of the same into the jurisdiction of the Court of Requests, that Court, upon receiving a written application from the Judge of Dewanny Adawlut of the Zillah of the 24-Pergunnahs, setting forth the above circumstances, and accompanied by a copy of the decree duly authenticated is hereby authorized and directed to proceed to execute the said decree in the mode prescribed for the execution of judgments obtained in the Court of Requests and on payment of the like costs as are demanded for the execution of such judgments in ordinary cases. Provided always, that nothing in this Act contained shall be held to authorize the said Court of Requests to execute any decree except the cause of action in respect of which such decree was obtained were such that if it had occurred within the local jurisdiction of the said Court it would have been cognizable by the same.

ACT No. XXVIII. OF 1839.

Passed by the Hon'ble the President of the Council of India in Council, on the 16th December, 1839.

AN Act for the Regulation of Buildings in the Islands of Bombay and Colaba.

I. It is hereby enacted, that the first twelve Articles of Rule Ordinance and Regulation III of 1812, passed by the Governor of Bombay in Council, and the 18th, 25th, and all following Articles of the same Rule Ordinance and Regulation, and the 1st, 2d, 5th, and 7th Articles of Rule Ordinance and Regulation III of 1815, passed by the said authority, be repealed.

II. And it is hereby enacted, that all persons intending to erect or rebuild any building within the Islands of Bombay and Colaba which shall approach in any part within twenty-five feet of the edge or side of any public road, street, or other thoroughfare, or intending to alter any building within the said Islands by extending the foundation thereof, so that any part of such foundation shall approach within the same distance of the edge or side of any such public place, shall before commencing to do so, obtain from the Collector of Land Revenue in Bombay a certificate of the specific ground intended to be used, and from the Surveyor to the Court of Petty Sessions in Bombay an endorsement on such certificate, of the nature of the work which, consistently with the provisions of this Act, and with public convenience, and according to the intention of the party, can and is proposed to be executed.

III. And it is hereby enacted, that in all cases in which the Surveyor to the said Court of Petty Sessions shall be satisfied that the intended building or alteration is in compliance with the provisions of this Act, and that no part of the ground to be covered thereby is wanted for public purposes, he shall endorse the said certificate as above enacted, and in case any party shall feel aggrieved by the withholding of such endorsement, or by the terms or restrictions of any such endorsement, he shall be at liberty to bring the matter of his complaint before the said Court of Petty Sessions, whose decision thereon shall be final; provided always, that no certificate, and no such endorsement thereof as aforesaid, and no decision of the said Court of Petty Sessions therein, shall be construed as an adjudication upon or as in any way affecting the right or title of any person to the ground or building referred to in such certificate and endorsement or any part thereof.

IV. And it is hereby enacted, that should any person, having obtained a certificate and endorsement as aforesaid, find it desirable during the progress of the work to deviate from his original plan, he shall not be at liberty to do so without the sanction in writing of the said Surveyor to the Court of Petty Sessions to such proposed deviation, with liberty however to the party to appeal to the said Court as provided in Section III of this Act.

V. And it is hereby enacted, that should the erection, rebuilding, or such alteration as aforesaid of any such building be commenced without such certificate and endorsement as above required, or contrary to the terms of any such certificate and endorsement, (such deviation not having been duly sanctioned as aforesaid,) every person offending herein shall be punishable on conviction before the said Court of Petty Sessions by fine not exceeding 500 Rupees.

VI. And it is hereby enacted, that whoever shall alter any such certificate as aforesaid without the sanction of the Collector of the Land Revenue and of the Surveyor to the Court of Petty Sessions, or shall alter any endorsement thereon without the sanction of the Surveyor to the Court of Petty Sessions, shall be punishable on conviction before the said Court of Petty Sessions by fine not exceeding 500 Rupees, or by imprisonment in the House of Correction for any time not exceeding four calendar months, with or without hard labor.

VII. And it is hereby enacted, that no building hereafter to be erected within the walls of the Fort of Bombay shall be erected higher than 50 feet measured from the surface of the street to the extreme of the roof; provided that light open balustrades or railings of any material not inflammable may be added round the outer edge of the roof for the purpose of guarding against accident, but such balustrades or railings are to have no roof or covering, and all persons offending herein shall on conviction before the said Court of Petty Sessions be punishable by fine not exceeding 500 Rupees.

VIII. And it is hereby enacted, that no cudjans or other inflammable materials shall be made use of in the external roof or walls of any building within the Fort Walls of Bombay, nor in the external part of any building without the Fort walls of Bombay in any place or places within the Islands aforesaid to be declared by the Governor of Bombay in Council by Proclamation in the Government Gazette, and that every person offending herein shall on conviction before the said Court of Petty Sessions be punishable by fine not exceeding 500 Rupees.

IX. And it is hereby enacted, that no building of any description shall be erected in the Islands of Bombay or Colaba in such manner as shall destroy, injure, or prejudicially interfere with any of the water courses or the drainage of the said Islands, or either of them, and upon notice being given by the said Surveyor of the Court of Petty Sessions to the owner or other person under whose directions any work may be going on, that such work is injurious to and does or will interfere with any water course or the drainage of the said Islands or either of them such person shall immediately thereupon discontinue such work, and if he feels aggrieved by such notice, shall bring the matter of his complaint before the said Court of Petty Sessions, whose opinion and adjudication thereon shall be final; and in case such person shall not, on receiving such notice as aforesaid, discontinue the said work, he shall be punishable on conviction before the said Court of Petty Sessions, by fine not exceeding Rupees 500.

X. And it is hereby enacted, that in case the said Court of Petty Sessions on any appeal to them under the last preceding Section, or upon special application of their Surveyor, and after hearing the parties concerned, shall be of opinion that the work deemed objectionable by the said Surveyor will destroy or be injurious to or prejudicially affect any of the water courses or the drainage of the said Islands, or either of them, then the said Court shall make an order for the discontinuance and immediate removal of the said work, or of so much thereof as is objectionable; and in case the owner or other person conducting such work shall not obey such order, he shall be punishable on conviction before the said Court of Petty Sessions by fine not exceeding Rupees 500: and such work, or so much thereof as shall have been found to be objectionable, shall be forthwith taken down and removed by the Surveyor of the said Court, and the materials shall be sold and disposed of in the like manner as is hereinafter directed concerning the taking down of ruinous buildings.

XI. And it is hereby enacted, that when any building within the Islands of Bombay or Colaba shall be erected, rebuilt, or altered, in any manner contrary to the provisions of this Act, except as in the 9th Section is mentioned, it shall be lawful for the Surveyor to the Court of Petty Sessions to give notice to the person or persons so offending forthwith to discontinue such work, and to pull down and clear away the same by a fixed day, and in the event of such work not being immediately discontinued, or of such order of removal not being complied with by the expiration of the time so fixed upon, the person or persons so disobeying such notice shall be punishable on conviction before the said Court of Petty Sessions by fine not exceeding Rupees 500; and the Surveyor to the Court of Petty Sessions shall have power to cause the work to be taken down and removed, and to sell and dispose of the materials thereof in the like manner as is hereinafter directed concerning the taking down of ruinous buildings; provided always, that nothing herein contained shall prevent the person or persons to whom such notice shall be given appealing therefrom to the said Court of Petty Sessions, which Court shall have power to quash, alter, or confirm the same, and to extend the time named therein, and to punish any frivolous appeal with double costs.

XII. And it is hereby enacted, that every person rebuilding any building of which any part is situated within twenty-five feet of the edge or side of any public road, street, or other thoroughfare within the Islands aforesaid, shall be liable to be required, for the purpose of widening such road, street or other thoroughfare, to carry back his building so far and to give up so much of the site of the old building, or of the compound in which the same was standing, or of the uninclosed ground if any lying in front of the old building and between the same and the road, as shall be specified in the endorsement to be made on the certificate of the Collector of Land Revenue under this Act, but such endorsement shall be subject in all cases to the revision and final decision of the said Court of Petty Sessions, in the event of an appeal thereto from the terms of the same and the party so required shall be entitled to such compensation as is hereinafter provided.

XIII. And with the view of preventing fraudulent evasions as to the giving up of ground under the last Section, it is hereby enacted, that every person rebuilding, repairing, altering or in any way strengthening the foundation or lower part of any building within twenty-five feet of the edge of any public road or street within the Islands aforesaid, and then within three years therefrom substantially rebuilding the remaining part of the said building upon the old foundation or lower part so rebuilt, repaired, altered or strengthened as aforesaid shall be deemed to have rebuilt the entire building within the meaning of the last Section.

XIV. And it is hereby enacted, that should any steps project into any public road, street or other thoroughfare in front of any house, the space covered by such steps shall not be considered as part of the ground to be given up under this Act, but the ground to be given up shall be measured from the exterior of the building itself.

XV. And it is hereby enacted, that the Court of Petty Sessions, with the saction of the Governor of Bombay in Council, shall at all times have power and authority to require any ground within the Islands of Bombay or Colaba to be given up for the purpose of widening or altering any existing public road, street, or other thoroughfare, or drain or for making any new public road, street or other thoroughfare or drain.

XVI. And it is further enacted, that wherever ground required to be given up under any of the preceding Clauses, or any building thereon, shall be or be of the nature of private property, or when being ground of the Hon'ble Company any substantial improvement shall have been made in the value thereof, the Surveyor to the Court of Petty Sessions shall cause an estimate to be made of such private interest, or of any such improvement, and the amount of such estimate, if duly sanctioned by the Hon'ble the Governor in Council, or such other sum as that authority shall sanction, shall be offered by the said Surveyor to the owner or other person in possession of the said ground or building, and if such offer be accepted, the amount thereof shall be paid to such owner or other person whose receipt for the same shall be a sufficient release and discharge to the said Court of Petty Sessions, and thereupon the said Court of Petty Sessions shall become and be the legal owners of the said ground or building, for the purposes of this Act, and all and every person or persons interested in the premises shall be thenceforth to all intents and purposes divested of all right, title and interest of, in, or to the same; provided always, that nothing herein contained or hereby authorized shall have the effect of deciding that the person to whom any money shall be paid as aforesaid is in law or equity the owner of any part of such money, and in case any conflicting claims shall be set up thereto before the same shall have been paid over, such sum shall be then dealt with in the manner provided in Section XXI hereinafter contained.

XVII. And it is further enacted, that where such offer shall be made as aforesaid, and the person or persons to whom the same shall be made shall refuse to accept the same, as being less than the value of the said property or interests, then and in such case the Court of Petty Sessions shall cause the value of the property or interests for which compensation is to be given to be ascertained by a Jury of twelve indifferent men resident on the Island, to be summoned by the Sheriff in manner hereinafter mentioned, and the said Court of Petty Sessions is hereby empowered to call before the said Jury by a written notice for that purpose to be given, and to examine upon oath all persons who shall be thought necessary and capable of giving evidence concerning the premises, and the said Court shall cause the said Jury to view the property in question, and shall use all other lawful means as well for their own as for the said Jury's information on the premises, and after the said Jury shall have so settled the value of the said property or interest, such valuation so made shall be final and conclusive to all intents and purposes against all persons, and the amount thereof shall be paid as hereinafter mentioned.

XVIII. And it is hereby enacted, that for summoning and returning a Jury under the last preceding Clause the said Court of Petty Sessions shall have authority from time to time to issue their warrant to the said Sheriff of the Town of Bombay, thereby requiring him to summon and return an indifferent Jury of twenty-four persons resident on the Island of Bombay, to be selected from the Petit Jury list for the time being, to appear before the said Court of Petty Sessions at such time and place as in the said warrant shall be appointed, of which time and place all parties interested shall have ten days notice in writing to be given to the said parties personally or left at their usual place of abode; and the said Sheriff is hereby required to summon and return such twenty-four persons accordingly, and out of the persons so summoned and returned, or out of such of them as shall appear, the said Court shall cause to be sworn twelve, who shall be the Jury for the purpose aforesaid, and all persons concerned shall have their lawful challenges against any of the said Jurymen when they come to be sworn, and the said Court acting in the premises shall have power to impose any reasonable forfeiture, not more than 200 Rupees, upon any person who shall be summoned and returned on such Jury and shall not appear, or who shall refuse to be sworn on such Jury, or in any manner wilfully neglect his duty therein contrary to the meaning of this Act, and also upon any person who having been duly summoned to give evidence touching any matter in question, shall refuse to appear or appearing shall refuse to be examined or give evidence, which said forfeiture shall be and is hereby made payable to the Court of Petty Sessions for and on account of the County Fund.

XIX. And it is hereby enacted, that the said Sheriff shall be allowed for every warrant to his Bailiff for summoning every Jury ten Rupees and no more, and for every return of a Jury four Rupees and no more, and for attending the Court of Petty Sessions on the impannelling every Jury fifteen Rupees and no more, and such fees and other expences of and attending the assembling the said Jury shall be borne and paid by the Court of Petty Sessions out of the County Fund, if the valuation fixed by the said Jury shall exceed the original offer made under Section XVI. of this Act and by the other party if such valuation shall be equal to or less than the said offer, and in all cases where the said Court of Petty Sessions shall be entitled to receive any costs or expences under this Clause the said Court shall be empowered to levy and raise the same in the same manner as if the same were a fine or other penalty.

XX. And it is further enacted, that in all cases where money shall be paid to any person or persons as a compensation under this Act, the same shall be paid out of the County Fund, and shall be subject to the same use or uses, and the same charges, liens, or incumbrances in all respects as the interests or property for which such compensation shall be paid were subject to at the time of the payment thereof.

XXI. And it is further enacted, that in every case wherein conflicting claims are set up to any property or interest which the Court of Petty Sessions may require for carrying into execution the purposes of this Act, and for which under the provisions thereof any compensation shall be payable, such compensation shall be paid into the hands of the Accountant General of the Supreme Court of Bombay, for the use and benefit of such persons as shall appear entitled thereto by any decree or judgment of the said Supreme Court, and the receipt of the said Accountant General shall be a sufficient discharge to the Court of Petty Sessions, who shall from the date thereof become and be the legal owners of the said ground or building for which such money shall be so paid.

XXII. And it is hereby enacted, that the Surveyor to the said Court of Petty Sessions shall cause notice in writing to be given to the owner or occupier of any building or land within the Islands aforesaid from which any gallery, balcony, roof, weather frame, spout, gutter or other thing shall in future be made, which shall overhang or jut into or in any way project or encroach upon any public road, street, or other thoroughfare, that he do take down, remove, alter, or regulate the same in such manner as not to incommode the public. And in case such owner or occupier shall refuse or neglect so to do for the space of fifteen days next after such notice shall have been given to him, the person or persons disobeying such notice shall be punishable on conviction before the said Court of Petty Sessions by fine not exceeding 500 Rupees. And the said Surveyor shall have power to cause the nuisance to be taken down and removed, and to sell and dispose of the materials thereof in like manner as is hereinafter directed concerning the taking down of ruinous buildings; provided always, that nothing herein contained shall prevent the person or persons to whom such notice shall be given appealing therefrom to the said Court of Petty Sessions, which Court shall have power to quash, alter, or confirm the same, and to punish any frivolous appeal with double costs. Provided also, that tiled roofs or weather frames of at least twelve feet high above the surface of any public road, street, or other thoroughfare, may be projected to the extent of two feet above the same.

XXIII. And it is hereby provided, that it shall be lawful to the Surveyor to the Court of Petty Sessions, with the approbation of the said Court, to give permission in writing to the owner or occupiers of buildings in public thoroughfares twenty-five feet in width and upwards, within the Islands aforesaid, to project tiled roofs or weather frames from the upper stories of their houses to the extent of three feet beyond their foundation, or over any public road, street, or other thoroughfare, and to the occupiers of buildings in exposed situations facing between the south and west in streets of the above width to make such projection to the extent of five feet.

XXIV. And it is further enacted, that where any scaffolding shall be used in or near any public road, street, or other thoroughfare, in building, repairing, or altering any house, or building, within the Islands aforesaid, it shall be lawful for the Surveyor to the said Court of Petty Sessions, if he shall think fit so to do, to give notice in writing to the owner or occupier of such house, or building, or other person directing the work, to cause such scaffolding to be masked or covered on the outside thereof so as to prevent any thing falling therefrom to the injury of persons passing below, and if the owner, occupier or other person as aforesaid shall neglect to obey such notice within a reasonable time after receiving the same, such offender shall be punishable on conviction before the Court of Petty Sessions by fine not exceeding 500 Rupees.

XXV. And it is further enacted, that the tiles of roofs within the said Islands shall be properly secured, so as to prevent their falling to the injury of passengers on any public road, street, or other thoroughfare, and the owner or occupier of any house the tiles of which are not so secured shall, if he neglect to secure the same within one week after having received notice so to do from the said Surveyor to the Court of Petty Sessions, be punishable on conviction before the said Court by fine not exceeding 500 Rupees.

XXVI. And it is hereby enacted, that it shall be lawful for the Surveyor to the Court of Petty Sessions to give notice in writing to the owner or occupier of any house, or building, within the Islands aforesaid, from which water may fall on any public road, or ground, to put up such gutters or channels for catching and conveying the water elsewhere as may be necessary, and on non-compliance with such notice within one week from the time of receiving the same, the offender shall be punishable before the said Court of Petty Sessions by fine not exceeding 500 Rupees.

XXVII. And it is hereby enacted, that when any building or any part thereof at or near any public road, street, or other thoroughfare in any part of the said Islands is in a ruinous condition, it shall be lawful for the said Surveyor to the Court of Petty Sessions to cause a sufficient boarding or protection to be put up for the safety of all passengers, and the said Surveyor shall cause notice in writing to be given to the occupier if any, and if not, cause a notice to be affixed to the door or other exposed part of such building, to repair or pull down the same within fourteen days from the date of such notice, and if such occupier or the owner do not begin to repair or take down the same within such term of fourteen days and complete the same as soon as the case will admit, it shall be lawful for the Surveyor to the Court of Petty Sessions to cause such building, or so much thereof as may be ruinous, to be taken down and

removed in such manner as shall be requisite, and to sell and dispose of the materials thereof, and by and out of the monies arising by the sale thereof to reimburse himself and all persons by him employed for the purpose all the charges of putting up such boarding, and of taking down and removing such building, and of selling the said materials as aforesaid; and the surplus of such monies, if any, shall be paid to the owner of such house or building upon personal demand thereof made by such owner, and if no such demand be made, then to the Court of Petty Sessions for the benefit of the person or persons entitled thereto, and if no demand shall be made to the said Court for the money so paid in before the expiration of twelve Calendar months from the receipt thereof by the said Court, the same shall be added to and become part of the County Fund.

XXVIII. And it is hereby enacted, that whenever the money produced by any sale to be made by the Surveyor to the Court of Petty Sessions under this Act shall be deficient to cover the expences of the said Surveyor, and the persons employed by him, then the said Court of Petty Sessions shall pay such deficiency to the said Surveyor out of the County Fund, and shall have power to levy and raise the same by distress and sale of the goods and chattels of the offender in the same manner in all respects as fines and penalties are levied by the said Court.

XXIX. And it is hereby enacted, that in case any part of the land constituting the public streets, or roads, or other thoroughfares of the said Islands beyond the limits of the Town of Bombay, shall become useless and unnecessary for the purpose of a public highway, it shall be lawful for the Governor of Bombay in Council to direct the Collector of Land Revenue of Bombay to take possession thereof for the use of the Honorable Company, and the Collector of Land Revenue shall take possion thereof accordingly.

XXX. And it is hereby enacted, that every Head Builder, Master Carpenter, Master Mason, or Labourer who shall in erecting, re-building or repairing, altering or adding to any building in Bombay or Colaba knowingly offend against the provisions of this Act, shall be punishable on conviction before the said Court of Petty Sessions by fine not exceeding 500 Rupees.

XXXI. And it is hereby enacted, that the amount of all fines and penalties and costs in the nature of fines and penalties that may be incurred and payable under this Act shall be levied by warrant under the hands and seals of two or more of the Magistrates in Petty Sessions, and when received shall be added to and form part of the County Fund, and if on such distress property belonging to such offenders sufficient to make good the penalty be not found, such offender shall be committed by the said Court to the House of Correction, with or without hard labour at the discretion of the said Court, for any time not exceeding three months, unless the said penalty be sooner paid.

XXXII. And it is hereby enacted, that where any distress shall be made for any sum or sums of money to be recovered by virtue of this Act, the distress itself shall not be deemed unlawful, nor the party making the same be deemed a trespasser, on account of any defect of form in any proceedings relating thereto, nor shall the party be deemed a trespasser *ab initio* on account of any irregularity afterwards done by the party making such distress, but the person or persons aggrieved by such irregularity may recover for the special damage only by action on the case, and not by any other action whatever.

XXXIII. And it is hereby enacted, that no Plaintiff shall recover in any action for any such irregularity or other proceedings, if tender of sufficient amends be made by or on the behalf of the party or parties who committed or caused to be committed any such irregularity or wrongful proceeding before such action be brought; and in case no such tender shall have been made, it shall and may be lawful for the Defendant or Defendants in any such action, by the leave of the Court where such action shall depend, at any time before issue joined, to pay into Court such sum of money as he or they shall see fit, whereupon such proceedings or order and judgment shall be had, made, or given in and by such Court as in other actions when the Defendant is allowed to pay money into Court.

XXXIV. And it is hereby enacted, that no action or suit shall be commenced against any person or persons for any thing done in pursuance of this Act until twenty-one days after notice in writing of an intention to bring such action or suit has been given to the person or persons against whom such action or suit shall be brought, nor after the expiration of three Calendar months next after the fact committed, and the Defendant or Defendants in every such action or suit may plead the general issue, and give this Act and any special matter in evidence at the trial, and that the matter or thing for which such action or suit is brought was done in pursuance and by the authority of this Act, and if the said matter or thing appear to have been so done, or if it shall appear that such action or suit was brought before the expiration of twenty-one days after such notice was given as aforesaid, or that sufficient satisfaction was made or tendered before such action was brought, or if any such action or suit be not commenced within the time herein for that purpose limited, then the Court, in every such action or suit shall find for the Defendant therein, and if a verdict be found for the Defendant, or if the Plantiff or Plantiffs in any such action or suit become non-suited, or discontinue, or suffer a discontinuance of any such action or suit, or if in any such action or suit judgment be given for the Defendant therein on demurrer or by default or otherwise, then and in any of the cases aforesaid the Defendant shall have judgment to recover treble costs of suit, and shall have such remedy for recovering the same as any Defendant or Defendants may have by law for costs in other cases.

ACT No. XXIX. OF 1839.

Passed by the Hon'ble the President of the Council of India in Council on the 16th December, 1839.

AN Act for the Amendment of the Law relating to Dower.

I. Whereas it is expedient to extend the Amendments in the English Law of Dower contained in the Statute 3d and 4th William IV, Chapter CV to the Territories of the East India Company in cases which, but for the passing of this Act, would be governed by the English Law of Dower as it existed previously to the passing of the aforesaid Statute:

Meaning of the words in the Act.

It is hereby enacted, that the words and expressions hereinafter mentioned, which in their ordinary signification have a more confined or a different meaning, shall in this Act, except where the nature of the provision or the context of the Act shall exclude such construction, be interpreted as follows; that is to say, the word "Land" shall extend to Messuages, and all other Hereditaments, whether Corporeal or Incorporeal (except such as are not liable to Dower), and to any share thereof, and every word importing the singular number only shall extend and be applied to several persons or things as well as one person or thing.

Widows to be entitled to Dower out of equitable Estates.

II. And it is hereby further enacted, that when a Husband shall die, beneficially entitled to any Land for an interest which shall not entitle his Widow to Dower out of the same at Law, and such interest, whether wholly equitable, or partly legal and partly equitable, shall be an Estate of inheritance in possession, or equal to an Estate of inheritance in possession, (other than an Estate in joint-tenancy,) then his Widow shall be entitled in Equity to Dower out of the same Land.

Seisin shall not be necessary to give title to Dower.

III. And it is hereby further enacted, that when a Husband shall have been entitled to a right of entry or action in any Land and his Widow would be entitled to Dower out of the same if he had recovered possession thereof, she shall be entitled to Dower out of the same although her Husband shall not have recovered possession thereof; provided that such Dower be sued for or obtained within the period during which such right of entry or action might be enforced.

No Dower out of Estates disposed of,

IV. And it is hereby further enacted, that no Widow shall be entitled to Dower out of any Land which shall have been absolutely disposed of by her Husband in his life time, or by his Will.

Priority to partial Estates, Charges and Specially Debts.

V. And it is hereby further enacted, that all partial Estates and Interests, and all charges created by any disposition or Will of a Husband, and all debts, incumbrances, contracts, and engagements to which his Land shall be subject or liable, shall be valid and effectual as against the right of his Widow to Dower.

Dower may be barred by a Declaration to a Deed.

VI. And it is hereby further enacted, that a Widow shall not be entitled to Dower out of any Land of her Husband, when in the Deed by which such Land was conveyed to him, or by any Deed executed by him, it shall be declared that his Widow shall not be entitled to Dower out of such Land.

Or by a declaration in the Husband's Will.

VII. And it is hereby further enacted, that a Widow shall not be entitled to Dower out of any Land of which her Husband shall die wholly or partially intestate when by the Will of her Husband, duly executed for the devise of Freehold Estates, he shall declare his intention that she shall not be entitled to Dower out of such Land or out of any of his Land.

Dower shall be subject to restrictions.

VIII. And it is hereby further enacted, that the right of a Widow to Dower shall be subject to any conditions, restrictions or directions which shall be declared by the Will of her Husband, duly executed as aforesaid.

Devise of real Estate to the Widow shall bar her Dower.

IX. And it is hereby further enacted, that where a Husband shall devise any Land out of which his Widow would be entitled to Dower if the same were not so devised, or any Estate of Interest therein, to or for the benefit of his Widow, such Widow shall not be entitled to Dower out of, or in any Land of her said Husband, unless a contrary intention shall be declared by his Will.

Bequest of Personal Estate to the Widow shall not bar her Dower.

X. And it is hereby further enacted, that no Gift or Bequest made by any Husband to or for the benefit of his Widow of or out of his Personal Estate, or of or out of any of his Land not liable to Dower shall defeat or prejudice her right to Dower unless a contrary intention shall be declared by his Will.

Agreement not to bar Dower may be enforced.

XI. Provided always and it is hereby further enacted, that nothing in this Act contained shall prevent any Court of Equity from enforcing any covenant or agreement entered into by or on the part of any Husband not to bar the right of his Widow to Dower out of his Lands or any of them.

Legacies in bar of Dower still entitled to preference.

XII. And it is hereby further enacted, that nothing in this Act contained shall interfere with any rule of Equity, or of any Ecclesiastical Court by which Legacies bequeathed to Widows in satisfaction of Dower are entitled to priority over other Legacies.

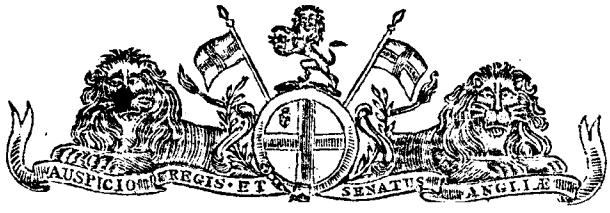
Certain Dowers abolished.

XIII. And it is hereby further enacted, that no Widow shall hereafter be entitled to Dower ad ostium ecclesiæ or Dower ex assensu patris.

Act not to take effect before the 1st July 1840.

XIV. And it is hereby further enacted, that this Act shall not extend to the Dower of any Widow who shall have been or shall be married on or before the First day of July One Thousand Eight Hundred and Forty, and shall not give to any Will, Deed, Contract, Engagement, or Charge executed, entered into, or created before the said First day of July One Thousand Eight Hundred and Forty, the effect of defeating or prejudicing any right to Dower.

XV. And it is hereby provided, that this Act shall not be construed to affect any right of property in Land otherwise than by modifying the Law of Dower in cases governed by the English Law of Dower, or to extend or alter the jurisdiction of any of Her Majesty's Courts of Justice.



ACT No. XXX. OF 1839.

Passed by the Hon'ble the President of the Council of India in Council, on the 16th December 1839.

AN Act for the amendment of the Law of Inheritance

I. Whereas it is expedient to extend the amendments, in the English Law of Inheritance contained in the Statute 3d and 4th William IV. Chapter CVI. to the Territories of the East India Company in cases which but for the passing of this Act, would be governed by the English Law of Inheritance as it existed previously to the passing of the aforesaid Statute:

It is hereby enacted, that the words and expressions hereinafter mentioned, which in their ordinary signification have a more confined or a different meaning, shall in this Act, except where the nature of the provision or the context of the Act shall exclude such construction, be interpreted as follows; (that is to say,) the word "Land" shall extend to Messuages, and all other Hereditaments, whether corporeal or incorporeal, and whether Freehold or of any other Tenure, and to Money to be laid out in the purchase of Land, and to Chattels and other personal property transmissible to Heirs, and also to any share of the same Hereditaments and Properties or any of them, and to any Estate of Inheritance or Estate for any Life or Lives, or other Estate transmissible to Heirs, and to any Possibility, Right, or Title of Entry or Action, and any other Interest capable of being inherited, and whether the same Estates, Possibilities, Rights, Titles, and Interests, or any of them, shall be in possession, reversion, remainder, or contingency; and the words "the Purchaser" shall mean the person who last acquired the Land otherwise than by descent, or than by any escheat, partition, or enclosure, by the effect of which the Land shall have become part of or descendible in the same manner as other Land acquired by descent; and the word "descent" shall mean the title to inherit Land by reason of consanguinity, as well where the Heir shall be an Ancestor or Collateral relation, as where he shall be a child or other issue; and the expression "descendants" of any Ancestor shall extend to all persons who must trace their descent through such Ancestor; and the expression "the person last entitled to Land" shall extend to the last person who had a right thereto, whether he did or did not obtain the possession or the receipt of the Rents and Profits thereof; and the word "assurance" shall mean any Deed or Instrument other than a Will by which any Land shall be conveyed or transferred at Law or in Equity; and every word importing the singular number only, shall extend and be applied to several persons or things as well as one person or thing, and every word importing the masculine gender only, shall extend and be applied to a female as well as a male.

Meaning of words in the Act.

"Land."

"The Purchaser."

"Descent."

"Descendant."

"Person last entitled."

"Assurance."

Number and Gender.

II. And it is hereby further enacted, that in every case descent shall be traced from the Purchaser, and to the intent, that the pedigree may never be carried further back than the circumstances of the case and the nature of the title shall require, the person last entitled to the Land shall, for the purposes of this Act, be considered to have been the Purchaser thereof unless it shall be proved that he inherited the same, in which case

Descent shall always be traced from the Purchaser, but the last owner shall be considered to be the Purchaser, unless the contrary be proved.

the person from whom he inherited the same shall be considered to have been the Purchaser, unless it shall be proved that he inherited the same, and in like manner the last person from whom the Land shall be proved to have been inherited shall in every case be considered to have been the Purchaser unless it shall be proved that he inherited the same.

Heir entitled under a Will, shall take as Devisee, and a limitation to the Granter or his Heirs shall create an Estate by Purchase.

III. And it is hereby further enacted, that when any Land shall have been devised by any Testator who shall die after the First day of July one thousand eight hundred and forty, to the Heir or to the person who shall be the Heir of such Testator, such Heir shall be considered to have acquired the Land as a Devisee and not by descent; and when any Land shall have been limited by any assurance executed after the said First day of July one thousand eight hundred and forty, to the Person or the Heirs of the Person who shall thereby have conveyed the same Land, such Person shall be considered to have acquired the same as a Purchaser by virtue of such assurance, and shall not be considered to be entitled thereto as his former Estate or part thereof.

Where Heirs take by Purchase under Limitations to the Heirs of their Ancestors, the Land shall descend as if the Ancestor had been the Purchaser.

IV. And it is hereby further enacted, that when any person shall have acquired any Land by Purchase under a limitation to the Heirs or to the Heirs of the body of any of his Ancestors, contained in an assurance executed after the said First day of July one thousand eight hundred and forty, or under a limitation to the Heir or to the Heirs of the body of any of his Ancestors, or under any limitation having the same effect, contained in a Will of any Testator who shall depart this life after the said First day of July one thousand eight hundred and forty, then and in any of such cases such Land shall descend, and the descent thereof shall be traced as if the Ancestor named in such limitation had been the Purchaser of such Land.

Brothers, &c. shall trace descent through their Parent.

V. And it is hereby further enacted, that no brother or sister shall be considered to inherit immediately from his or her brother or sister, but every descent from a brother or sister shall be traced through the Parent.

Lineal Ancestor may be Heir in preference to Collateral Persons claiming through him.

VI. And it is hereby further enacted, that every lineal Ancestor shall be capable of being Heir to any of his issue, and in every case where there shall be no issue of the purchaser, his nearest lineal Ancestor shall be his Heir in preference to any person who would have been entitled to inherit, either by tracing his descent through such lineal Ancestor, or in consequence of there being no descendant of such lineal Ancestor, so that the father shall be preferred to a brother or sister, and a more remote lineal Ancestor to any of his issue, other than a nearer lineal Ancestor or his issue.

The Male Line to be preferred.

VII. And it is hereby further enacted, and declared, that none of the Maternal Ancestors of the person from whom the descent is to be traced, nor any of their descendants shall be capable of inheriting until all his Paternal Ancestors and their decendants shall have failed; and also that no female Paternal Ancestor of such person, nor any of her descendants, shall be capable of inheriting until all his male Paternal Ancestors and their descendants shall have failed; and that no female Maternal Ancestor of such person, or any of her decendants, shall be capable of inheriting until all his male Maternal Ancestors and their decendants shall have failed.

The Mother of more remote male Ancestor to be preferred to the Mother of the less remote male Ancestor.

VIII. And it is hereby further enacted, and declared, that where there shall be a failure of male Paternal Ancestors of the person from whom the descent is to be traced, and their descendants, the mother of his more remote male Paternal Ancestors, or her descendants; shall be the Heir or Heirs of such person, in preference to the mother of a less remote male Paternal Ancestor, or her descendants; and where there shall be a failure of male Maternal Ancestors of such person, and their descendants, the mother of his more remote male Maternal Ancestor, and her descendants, shall be the Heir or Heirs of such person in preference to the mother of a less remote male Maternal Ancestor, and her descendants.

IX. And it is hereby further enacted, that any person related to the person from whom the descent is to be traced by the half blood shall be capable of being his Heir, and the place in which any such relation by the half blood shall stand in the order of inheritance, so as to be entitled to inherit, shall be next after any relation in the same degree of the whole blood, and his issue, where the common Ancestor shall be a male, and next after the common Ancestor where such common Ancestor shall be a female, so that the brother of the half blood on the part of the father shall inherit next after the sisters of the whole blood on the part of the father and their issue; and the brother of the half blood on the part of the mother shall inherit next after the mother.

Half blood, if on the part of a male Ancestor, to inherit after the whole blood of the same degree, if on the part of a female Ancestor after her.

X. And it is hereby further enacted, that when the person from whom the descent of any Land is to be traced shall have had any relation, who having been attainted, shall have died before such descent shall have taken place, then such attainder shall not prevent any person from inheriting such Land who would have been capable of inheriting the same by tracing his descent through such relation if he had not been attainted, unless such Land shall have escheated in consequence of such attainder before the First day of July one thousand eight hundred and forty.

After the death of a person attainted, his descendants may inherit.

XI. And it is hereby further enacted, that this Act shall not extend to any descent which shall take place on the death of any person who shall die before the said First day of July one thousand eight hundred and forty.

Act not to extend to any descent before 1st July 1840.

XII. And it is hereby further enacted, that where any assurance executed before the said First day of July one thousand eight hundred and forty, or the Will of any person who shall die before that time, shall contain any limitation or gift to the Heir or Heirs of any person under which the person or persons answering the description of Heir shall be entitled to an Estate by purchase, then the person or persons who would have answered such description of Heir if this Act had not been made shall become entitled by virtue of such limitation or gift, whether the person named as Ancestor shall or shall not be living at the time aforesaid.

Limitations made before the 1st July 1840, to the Heirs of a person then living, shall take effect as if the Act had not been made.

XIII. And it is hereby provided, that this Act shall not be construed to effect inheritances of Land, which are not subject to the English Law of Inheritance, or to extend or alter the jurisdiction of any of Her Majesty's Courts of Justice.

LEGISLATIVE DEPARTMENT THE 2D DECEMBER, 1839.

The following Regulation made and passed by the Hon'ble Court of Directors of the East India Company under the Authority given to them by the Act of the 37th George III. Cap. 117, is published for general information by order of the Hon'ble the President of the Council of India in Council.

A Regulation relating to the Trade of Foreign Ships with India.

Preamble. Whereas a Regulation was made and passed by the Court of Directors of the East India Company and transmitted to India by a despatch dated the 28th day of July 1837, and promulgated by the Supreme Government on the 29th day of December 1837, for rescinding and re-enacting with modifications certain provisions contained in a Regulation made and passed by the said Court of Directors on the 12th of August 1829, for regulating the Trade of Foreign Nations with the Ports and Settlements of the British Nation in the East Indies, and whereas doubts have arisen as to the true intent and meaning of certain parts of such Regulation and it is expedient that such doubts should be removed, the Court of Directors of the said Company, by virtue of the powers granted to them by the Act passed in the 37th year of the reign of his late Majesty King George the Third, entitled an Act for regulating the Trade "to be carried on with the British Possessions in India by the Ships of Nations in amity with His Majesty," have rescinded the whole of the said Regulation and in lieu thereof have framed the following Regulation.

Foreign Ships belonging to any State or Country in Europe or in America so long as such States or Countries respectively remain in amity with Her Majesty may freely enter the British Sea Ports and Harbours in the East Indies, whether they come directly from their own Country or from any other place, and shall be there hospitably received and shall have liberty to trade there in Imports and Exports conformably to the Regulations established or to be established in such Sea Ports, provided that it shall not be lawful for the said Ships to receive Goods on board at one British Port of India to be conveyed to another British Port of India on Freight or otherwise, but nevertheless the original inward Cargoes of such Ships may be discharged at different British Ports, and the outward Cargoes of such Ships may be laden at different British Ports for their Foreign destinations. And provided further, that it shall not be lawful for the said Ships in time of War between the British Government and any State or Power whatsoever, to export from the said British Territories without the special permission of the British Government any Military or Naval Stores, Saltpetre or Grain.

J. P. GRANT, *Offg. Secy. to the Govt. of India.*

ACT No. XXXI. OF 1839.

Passed by the Hon'ble the President of the Council of India in Council, on the 23d December, 1839.

AN Act for remedying certain defects in the Statute 9th George IV Ch. 74, relating to the Coin.

I. Whereas it is expedient to remedy certain defects in the Statute 9th George IV Ch. 74, of which the inconvenience is particularly experienced relating to injuries to the Coin:

It is hereby enacted, that if any person shall fraudulently clip, file, drill, deface, or debase any current gold or silver Coin issued from any Mint of the East India Company, or usually received as money in any part of the Territories under the Government of the East India Company, with intent to make the Coin so clipped, filed, drilled, defaced, or debased pass for the current gold or silver Coin so issued, or usually received as money as aforesaid, every such offender shall be guilty of felony, and shall be liable, on conviction, at the discretion of the Court, to be transported to such place as the Court shall direct for life or any term of years, or to be imprisoned for any term not exceeding four years.

II. And it is hereby provided, that it shall not be lawful for any Court under the authority of this Act, to order the transportation of any person being a native of the East Indies, and not born of European parents, to the Eastern Coast of New South Wales, or any of the Islands adjacent thereto.

III. And it is hereby enacted, that this Act shall extend to all persons and over all places over whom or which the criminal jurisdiction of any of Her Majesty's Courts of Justice within the Territories under the Government of the East India Company extends, but not further, or otherwise.

ACT No. XXXII. OF 1839.

Passed by the Hon'ble the President of the Council of India in Council on the 30th December, 1839.

AN Act concerning the allowance of Interest in certain cases.

I. Whereas it is expedient to extend to the Territories under the Government of the East India Company, as well within the jurisdiction of Her Majesty's Courts as elsewhere, the provisions of the Statute 3rd and 4th William IV, Chapter 42, Section 28, concerning the allowance of interest in certain cases:

It is, therefore, hereby enacted, that upon all debts or sums certain payable at a certain time or otherwise, the Court before which such debts or sums may be recovered, may, if it shall think fit, allow interest to the creditor at a rate not exceeding the current rate of interest from the time when such debts or sums certain were payable, if such debts or sums be payable by virtue of some written Instrument at a certain time, or if payable otherwise, then from the time when demand of payment shall have been made in writing, so as such demand shall give notice to the debtor that interest will be claimed from the date of such demand until the term of payment; provided that interest shall be payable in all cases in which it is now payable by law.

INDEX

TO THE

ACTS OF THE SUPREME GOVERNMENT

FOR 1839.

	Act.	Section.	Clause.
Abolition of Certain Dowers—See Dower.			
Agreements—See Dower.			
Allowances of suspended Officers—See Officers.			
Amendments in the Law of Dower—See Dower.			
„ in the Law of Inheritance—See Inheritance—(Law of.)			
Arrears of Rent—See Rent.			
Bail—See Persons.			
Bank of Bengal—The Charter of the Bank bearing date the 29th May 1823, and the Acts No. XIX. of 1836, and No. XXV. of 1838 relating thereto, shall respectively cease to have effect,.....	VI.	I.	
„ Persons being the Proprietors of the Capital Stock of the Bank of Bengal, shall notwithstanding the determination of the said Charter and Acts continue to be a corporation, ...	„	II.	
„ All property and securities for property, claims, &c. shall, on the determination of the Charter, devolve in and be continued in the Bank of Bengal, ...	„	III.	
„ Shall be subject to all debts, demands, &c. outstanding against it, and no suit at law shall cease by the renewal of the Bank by virtue of this Act,.....	„	„	
„ shall sue and be sued, and use such seal as the Directors shall appoint—competent to acquire property and to transfer the same,.....	„	IV.	

	Act.	Section.	Clause.
Bank of Bengal—Capital Stock as constituted under the present Charter to continue to be the Capital Stock of the Bank renewed,	VI.	V.	
„ Capital Stock to be increased, and the disposal of the amount of the same to be ordered by the Governor General of India in Council,	„	„	
„ Capital Stock to consist of seventy five lakhs of Company's Rupees and to be divided into shares of 4,000 Rupees each, or into quarter shares of 1,000 Rupees each,	„	VI.	
„ no Proprietor to increase his share in the Capital Stock beyond the amount of one lakh and sixty thousand rupees, except under the authority of the Government,	„	VII.	
„ a certificate signed by three Directors shall be delivered to Proprietors of shares. Any person who is a Proprietor of more than one share may demand a certificate for each of his shares,	„	VIII.	
„ shares shall be of the nature of personal estate and transferable by endorsement,	„	IX.	
„ Corporate body renewed and continued shall consist of registered Proprietors,	„	X.	
„ business of the Bank to be managed by nine Directors, of whom three shall be appointed and removable by Government. The remaining to be elected by the Proprietors, and removable by vote of the majority,	„	XI.	
„ Persons who, at the time of the determination of the present Charter shall be Directors shall thereafter continue to be Directors,	„	XII.	
„ Two of the Directors to go out of office by rotation each year, and when Directors going out of office, not to be re-elected at the election which takes place thereupon,	„	XIII.	
„ in case of death, resignation or absence of any Directors, others are to be elected in their stead,	„	XIV.	
„ A Director must be a Proprietor in his own right of three shares of 1200 Rupees, and who shall not be a Director of any other Bank,	„	XV.	

Bank

	Act.	Section.	Clause.
Bank of Bengal—Every election and other matters to be decided by a majority of votes. No person to vote in respect of any share acquired by transfer or purchase than by Act of Law,	VI.	XVI.	
„ Scale of Votes,	„	XVII.	
„ Proxy in writing to be given to any person desirous of attending any General Meeting of the Proprietors,	„	XVIII	
„ One Proprietor can give a proxy in writing to another Proprietor,	„	XIX.	
„ A President to be appointed, in whose absence the Senior Director shall be Vice-President. President and Vice-President to have the casting vote,	„	XX.	
„ Three Directors to form a board for the transaction of business,	„	XXI.	
„ All Accounts—all instruments not under seal shall be signed by three Directors. The seal to be affixed to all instruments in the presence of three Directors,	„	XXII.	
„ Directors competent to appoint Officers for the conduct of the duties of the Bank and to fix the salaries of such Officers. The expense of the establishment not to exceed 60,000 Rupees, without authority from Government,	„	XXIII	
„ Secretary, Treasurer, Head Accountant or Khazanchee shall engage in no other commercial business. Persons appointed to any of the said offices to give security in the sum of 50,000 Rupees,	„	XXIV	
„ In what kinds of business the Bank is to be engaged,	„	XXV.	
„ Directors not to discount Negotiable Security and not to make Loans, but under certain restrictions,	„	XXVI.	
„ Directors not to discount Negotiable Securities nor lend any money, and not to advance money on Bank Share or Certificate of Shares, nor on mortgage, &c. except under certain restrictions and provisions specified,	„	XXVII and XXVIII.	
„ The Bank shall not be in advance to the Government more than seven lakhs and a			

half

	Act.	Section.	Clause.
half of Company's Rupees what ought to be construed as being in advance to the Government, ...	VI.	XXIX.	
Bank of Bengal—Directors not to suffer persons to overdraw their account, ...	„	XXX.	
„ to issue Promissory Notes payable on demand, or at a specified date—Notes by whom signed—Total amount of Notes not to exceed two Crores of Rupees, and no Notes to be under 10 Rupees, ...	„	XXXI.	
„ The transactions of the Bank confined to limits of India only, ...	„	XXXII.	
„ Lawful for the Bank to receive in deposit Goods not of a perishable kind, ...	„	XXXIII.	
„ When the Books of the Bank are to be balanced—Settlement of the balance to be transmitted to Government—the Government entitled to require information touching the affairs of the Bank,.....	„	XXXIV.	
„ When an account of the profits is to be taken, and a dividend thereof made. The amount of the dividend shall be determined by the Directors, who are to set apart from the profits a sum as a reserve against contingencies,.....	„	XXXV.	
„ statements of the affairs of the Bank to be submitted at Yearly General Meetings to the Proprietors, which General Meetings competent to pass resolutions, frame rules, &c. relative to the affairs of the Bank, ..	„	XXXVI.	
„ three Directors or any ten Proprietors competent to convene a General Meeting of the Proprietors, ...	„	XXXVII.	
„ formation of Branch Banks, ...	„	XXXVIII.	
„ the Bank to withhold payment of dividends to Proprietors in debt to the Bank, and to apply such dividends towards payment thereof. In default of payment to refuse registration of the transfer of shares of such Proprietors—Bank when competent to sell shares towards payment of debt, ..	„	XXXIX.	
„ the continuance, modification and dissolution of the Bank, ...	„	XL.	
Bequest—See Dower.			
Board of Customs, Salt and Opium.—See Charges.			

	Act.	Section.	Clause.
Bombay and Colaba—See Buildings.			
Buildings—Rule for the guidance of persons intending to erect or re-build any buildings within the Islands of Bombay and Colaba, coming within 25 feet of the edge or side of any public road, &c. Certificate to be obtained from the Collectors of Land Revenue endorsed by the Surveyor to the Court of Petty Sessions, ...	XXVIII.	II.	
„ —Directions for endorsing the certificates—course to be pursued by any party feeling aggrieved by such endorsement being withheld, ...	„	III.	
„ —Party obtaining certificate and endorsement not at liberty to deviate from the original plan of building without previous sanction in writing of the Surveyor to the Court of Petty Sessions, ...	„	IV.	
„ —Penalty attending non-observance of the foregoing rules and alteration of the certificate and endorsement, ...	„	V. and VI.	
„ —Limitation of height of Buildings within the walls of the Fort of Bombay—Fine in case of infringement, ...	„	VII.	
„ —No inflammable materials shall be used in the external roof or walls of any building within the Fort Walls, nor in the external part of any Building without the Fort Walls of Bombay—Fine if disobeyed,	„	VIII.	
„ —Provision against any buildings being so erected as to interfere with any of the water-courses or draining of the Islands—Fine if disregarded, ...	„	IX.	
„ —Court of Petty Sessions empowered to order the removal and discontinuance of any work interfering with water-courses, &c. Penalty to which the owner shall be subject in not obeying such order, ...	„	X.	
„ —Liabilities of persons building within the Islands of Bombay or Colaba, who act in any manner contrary to the Provisions of this Act, ...	„	XI.	
„ —Ground from any Building of which part is situated within 25 feet of the edge or side of the public road, liable to be taken for public purposes if required, the party			

giving

	Act.	Section.	Clause.
giving up being entitled to a certain compensation,	XXVIII.	XII.	
Buildings—Provision with the view of preventing fraudulent evasions as to the giving up of ground under the last Section,	„	XIII.	
„ —Such ground as may be required to be given up under this Act shall be measured from the exterior of the building itself,	„	XIV.	
„ —Court of Petty Sessions authorized, with the sanction of the Government of Bombay, to require any ground within the Islands of Bombay or Colaba to be given up for public purposes when required,	„	XV.	
„ —Mode of valuation to be observed in paying for ground required to be given up under any of the preceding Clauses,	„	XVI.	
„ —Valuation to be decided by a Jury in the event of Owners objecting to that fixed by the Court of Petty Sessions,	„	XVII.	
„ —Mode of Summoning Jury for giving effect to the foregoing Section,	„	XVIII.	
„ —Fees allowed on account of Warrants for Summoning Juries,	„	XIX.	
„ —Fund from which money shall be paid to person or persons as a compensation under this Act,	„	XX.	
„ —Such compensation shall be paid by the Court of Petty Sessions into the hands of the Accountant General of the Supreme Court of Bombay in every case wherein conflicting claims are set up to any property; whose receipt shall be a sufficient discharge to the said Court,	„	XXI.	
„ —remedy against nuisances—punishable by fine,	„	XXII.	
„ —Tiled Roofs and Weather Frames allowed under certain Provisions,	„	XXIII.	
„ —Rule with regard to Scaffolding,	„	XXIV.	
„ „ with regard to the Tiles of Roofs,	„	XXV.	
„ „ with regard to Water-Courses and Gutters,	„	XXVI.	
„ „ with regard to ruinous Buildings,—liable to sale, if not repaired in time,	„	XXVII.	
„ —How the various expences attendant on the pulling down of ruinous Buildings, and removal of materials, shall be met,	„	XXVIII.	

	Act.	Section.	Clause.
Builder—(Head)—See Fines.			
Carpenter (Master)—See Fines.			
Certificate—See Buildings.			
Charges—Rule prescribed for the investigation of charges of official misconduct against Officers subject to the controul of the Sudder Dewanny and Nizamut Adawlut, Sudder Boards of Revenue, or the Board of Customs, Salt and Opium, ...	XXVI.	II.	
„ —may be preferred direct to either of the Courts of Sudder Dewanny and Nizamut Adawlut, Sudder Boards of Revenue or Board of Customs, Salt and Opium, who are vested with the discretionary power of examining parties, with or without oath according to circumstances, ...	„	III.	
„ —Competency of any Judge, Magistrate, Commissioner of Revenue or Collector, also to investigate such charges, submitting their proceedings to the authority under whose controul the person accused may be subject, ...	„	IV.	
„ —Circumstances under which charges shall be cognizable by the Courts of Sudder Dewanny and Nizamut Adawlut and the Boards of Revenue, &c., ...	„	V.	
„ —Courts of Sudder Dewanny and Nizamut Adawlut, and said Boards empowered to dismiss charges, where they do not see substantial reason to enter into a further enquiry, subject to the Provisions contained in Section II. of this Act,.....	„	VI.	
„ —also empowered to institute enquiry if in the course of any proceedings, which come before them there shall appear any matter affecting the official conduct of Covenanted Officers, ...	„	VIII.	
„ —mode of conducting the *prosecution*, when such charges are referred to a Special Commission of Enquiry, ...	„	XII.	
„ —Accused shall be permitted to offer observations on the result of the Enquiry, ..	„	XV.	
„ against Principal Sudder Ameens, Sudder Ameens and Deputy Collectors—See Sudder Ameens.			
Chinchnee—See Villages.			

	Act.	Section.	Clause.
Coin—Crime of drilling, defacing or debasing shall be punishable by transportation or *imprisonment not exceeding four years*, ..	XXXI.	I.	
„ —Natives of East Indies not transportable to the Eastern Coast of New South Wales or to any adjacent Islands,.....	„	II.	
„ —How far jurisdiction extends,.....	„	III.	
Colaba—See Buildings.			
Collector—See Tasheldars.			
Commission—See Tasheldars.			
Commission of Enquiry—Circumstances under which a Commission or Commissioner shall be appointed to enquire into charges involving the official conduct of Covenanted Officers, ...	XXVI.	IX.	
„ —to be guided in their proceedings by the instructions they may receive from the Government to which they are subordinate, ...	„	X.	
„ —Oath required to be taken by the Commissioner or Commissioners, ...	„	XI.	
„ —Mode of conducting the prosecution,...	„	XII.	
„ —Duties imposed upon them, and manner in which their proceedings shall be conducted,.....	„	XIII.	
„ —Powers vested in them, ...	„	XIV.	
„ —Accused shall be permitted to offer observations on the result of the enquiry, ..	„	XV.	
„ —shall submit their proceedings direct to the Government to which they may be subordinate, accompanied by Translations of Papers not in the English language, together with a summary of the pleadings and evidence and opinion on the merits of the case, ...	„	XVI.	
„ —The authorities under whose controul such Commission may be, shall be at liberty to require further evidence if the report of the Commission be wanting in this respect, ...	„	XVII.	
„ —The proceedings and report to be ultimately submitted to Government, ...	„	XVIII.	
„ —Authority for the appointment of—to investigate charges of official misconduct against Principal Sudder Ameens, Sudder Ameens and Deputy Collectors, ...	„	XXI.	

	Act.	Section.	Clause.
Commissioners—See Tahseldars.			
Compensation—Fund from which money shall be given to person or persons as compensation under Act XXVIII. of 1839, ...	XXVIII.	XX.	
Complaints against Covenanted Officers. See Charges.			
Convict—See Judge (Assistant Session.)			
Costs—See Suits.			
Court of Requests—Calcutta—See Decrees.			
Court of Quarter Session at Prince of Wales' Island, Singapore and Malacca—shall try matters made offences by Act No. IV. of 1839 relating to stealing any growing tree, sapling or shrub,.....	IV.	VII.	
„ —of ditto shall not be held to try matters of the above description excepting in the presence of one of the Judges of the Court of Judicature, ...	„	„	
Courts (Moonsiff's)—See Rent.			
Courts Martial—Imprisonment, with or without hard labor, or dismissal from service of Native Soldiers, ...	XXIII.		
Covenanted Officers—See Officers.			
Decrees—Court of Requests authorized to execute Decrees passed by the Judge of the Dewanny Adawlut of the Zillah of the 24-Pergunnas, in certain cases, ...	XXVII.	I.	
Defence—See Persons.			
Deputy Collectors—See Sudder Ameens.			
Distrained property for the recovery of arrears of rent — Regulations relating to — repealed, ...	I.	I.	
„ property to be sold by persons appointed by a Collector or Officer exercising the powers of a Collector, and who are to remunerate themselves by deducting a per centage on the amount of the proceeds of the sale, ...	„	II.	
See Repeal of Acts, &c. Tasheldars.			
Districts—See Ganjam and Vizagapatam.			
Dower—Extension of the Amendments in the English Law of Dower contained in the Statute 3d and 4th Will. IV. Cap. CV. to the Territories of the East India Company,	XXIX.	I.	
„ —Definition of the meaning of certain words in the Act, ...	„	„	

	Act.	Section.	Clause.
Dower—Widows to be entitled to Dower out of Equitable Estates,	XXIX.	II.	
„ —Seisin shall not be necessary to give title to,	„	III.	
„ —No Dower out of Estates dispose of,	„	IV.	
„ —All partial Estates and Interests and all charges created by any disposition or Will of a Husband and all debts, &c. to which his land shall be subject, shall be valid and effectual as against the right of his Widow to dower,	„	V.	
„ —May be barred by a declaration in a Deed, or by a declaration in the Husband's Will,	„	VI. and VII.	
„ —Subject to restrictions by a Husband's Will,	„	VIII.	
„ —Devise of real Estate to the Widow shall bar her Dower,	„	IX.	
„ —Bequest of Personal Estate to a Widow shall not bar her Dower,	„	X.	
„ —Any Agreement or Covenant not to bar Dower may be enforced by a Court of Equity,	„	XI.	
„ —Legacies in satisfaction of Dower entitled to priority over other legacies,	„	XII.	
„ —Certain Dowers abolished,	„	XIII.	
„ —This Act to take effect from the 1st July 1840,	„	XIV.	
„ —Construction of the Act,	„	XV.	
Drilling—See Coin.			
Duties (Port)—Charges of the Port and Roadstead of Madras as Anchorage Duty; Light House Duty, &c. to be commuted into a Port Duty—upon what Vessels levied, and at what rates,	XIII.	I.	
„ (Do.)—On Vessels sailing under the colors of a foreign European or American Nation, anchoring at Madras, a consolidated duty shall be levied,	„	II.	
„ (Tonnage)—Shall be levied upon Vessels in the Port of Madras which without breaking bulk, shall, after anchoring therein, sail again out of the port,	„	III.	
„ (Port)—All powers, authorities and penalties applicable to the enforcing of the payment of charges of the Port and Road-			

	Act.	*Section.*	*Clause.*
stead of Madras, equally applicable to the enforcing of the commuted Port Duties, ..	XIII.	IV.	
Duties—Port or Harbour—Government to order the consolidation and commutation of any—into a Tonnage duty leviable at rate specified, ...	,,	V. and VI.	
,, (Port)—Shall be levied by the Master Attendant, or by the Collector of Customs. If such Duties be not paid Port Clearance, &c. to be withheld from the vessel on account of which payment may be refused,	,,	VII.	
,, (Port or Harbour)—All powers, authorities and penalties by which any Port or Harbour Duty of any Subordinate Port of any Presidency shall be commuted by virtue of this Act may have been legally enforced before, shall be applicable to the enforcing thereof as herein-before provided, shall be applicable to the enforcing of the consolidated and commuted Duties imposed by this Act, ...	,,	VIII.	
,, (Postage)—In modification of Sections VI. and XIV. of Act No. XVII. of 1837, competent to Government to authorize the levy of Postage Duties at rates different from those specified in Schedules A. and B. annexed to that Act, ...	XVII.		
Endorsement—See Buildings.			
Evidence—See Commission of Enquiry.			
Exactions of Rent—See Rent.			
Fees—See Jury.			
Felony—See Petty Offence Act.			
Fines—The property of Offenders not paying fines, shall be distrained by the Magistrate in whose jurisdiction the Offenders reside for the payment thereof, ...	II.	I.	
,, —Persons not possessing Property to pay the amount of fines levied on them, how to be dealt with, ...	,,	,,	
,, —When the extreme amount of fine and imprisonment is not specified in regard to Offenders who may be punishable thereby, the Magistrate not to impose any fine exceeding 200 Rupees or to imprison the Offender for any term exceeding six months,.....	,,	II.	

	Act.	Section.	Clause.
Fines—Magistrates to receive proof of the Commission of Offence upon Oath, or solemn affirmation, on account of which a person may be punishable by fine, ...	II.	III.	
„ —The terms "fine" and "fines" shall extend to all "penalties" and "forfeitures,"	„	IV.	
Fine—See Buildings—also Jury.			
„ —Liability of every Head Builder, Master Carpenter, Master Mason or Laborer employed in Building, &c. in Bombay and Colaba, to the payment of Fines if they offend against the Provisions contained in this Act, ...	XXVIII.	XXX.	
„ shall be levied by Warrant of two or more Magistrates in Petty Sessions—Appropriation — Punishment in default of payment, ...	„	XXXI.	
„ —Course of proceeding which shall be adopted for the recovery of, ...	„	XXXII.	
„ —Remedy against any irregularity in the Proceedings,.....	„	XXXIII.	
Forfeiture—Persons not paying the amount of injury done by them for stealing any growing tree, sapling, or shrub within the jurisdiction of the Prince of Wales' Island, Singapore and Malacca, shall be committed to prison with or without hard labor,.....	IV.	III.	
See Persons.			
„ —Every forfeiture and punishment imposed by Act No. IV. (relative to the stealing of any growing tree, sapling or shrub,) on any person maliciously committing any offence, shall be enforced whether the offence shall have been committed from malice or otherwise, ...	„	V.	
Ganjam and Vizagapatam—Districts of—Operation of the Rules for the Administration of Civil and Criminal Justice, &c. to cease to have effect in —,.....	XXIV.	II.	
„ —Admission of Civil and Criminal Justice (including the Superintendence of Police) and the collection and superintendence of all Revenue, to be vested in the Collector of Ganjam, and in the Collector of Vizagapatam, and shall be exercised by			

them

	Act.	*Section.*	*Clause.*
them respectively as Agents to the Governor of Fort Saint George, ...	XXIV.	III.	
Ganjam and Vizagapatam—Governor of Fort St. George to prescribe Rules for the guidance of such Agents and to define their duties, ...	,,	IV.	
,, —Upon the receipt of any Criminal Trials referred by the Agents, the Foujdaree Adawlut to pass a final judgment,..	,,	V.	
,, —Upon the receipt of any Appeal from a decree of the Agents, the Court of Sudder Adawlut to try and determine in the same manner as Appeals from the Provincial Courts,.....	,,	VI.	
,, —Agents have power to make commitments by warrant under their hand, and to transmit report to Governor in Council for Orders,.....	,,	VII.	
,, —Governor in Council competent to make alterations in the limits of the tracts within the aforesaid districts,.....	,,	VIII.	
Ground—See Buildings.			
Huck—Lawful to prohibit the levy of—, ...	XX.	I.	
,, —Orders for such prohibition not to be questioned by any Court of Law,.....	,,	II.	
,, —Levying of Hucks how punished,....	,,	III.	
Inheritance (Law of)—Extension of the Amendments in the English Law of Inheritance contained in Stat. 3d and 4th, Will. IV. Chap. CVI. to the Territories of the East India Company, ...	XXX.	I.	
,, —Meaning of certain words in the Act defined,.....	,,	I.	
,, —Descent shall always be traced from the purchaser, but the last owner shall be considered to be the purchaser, unless the contrary be proved,.....	,,	II.	
,, —Heir entitled under Will, shall take as Devisee, and a limitation to the Granter or his heirs shall create an Estate by purchase,.....	,,	III.	
,, —Where heirs take by purchase under limitations to the heirs of their Ancestors, the land shall descend as if the Ancestor had been the purchaser,.....	,,	IV.	
,, —Brothers and Sisters shall trace descent through their Parents, ...	,,	V.	

	Act.	Section.	Clause.
Inheritance (Law of)—Lineal Ancestor may be heir in preference to Collateral Persons claiming through him, ...	XXX.	VI.	
,, —Preference shall be given to Paternal Ancestors,.....	,,	VII.	
,, —The Mother of more remote male Ancestor to be preferred to the Mother of less remote male Ancestor,.....	,,	VIII.	
,, —Half blood, if on the part of a male Ancestor, to inherit after the whole blood of the same degree,—if, on the part of a female Ancestor, after her, ...	,,	IX.	
,, —After the death of a person attainted, his descendants may inherit,.....	,,	X.	
,, —This Act not to extend to any descent before the 1st July 1840, ...	,,	XI.	
,, —Limitations made before the 1st July 1840, to the heirs of a person then living, shall take effect as if the Act had not been made, ...	,,	XII.	
,, —Construction of the Act,.....	,,	XIII.	
Institution Fee—See Stamp Duty.			
Interest—Extension of the Provisions of Stat. 3d and 4th, Will. IV. Chap. 42, Sec. 28,—concerning the allowance of interest in certain cases to the Territories of the East India Company, ...	XXXII.	I.	
Jagheer of Chinchnee—See Villages.			
Joint Magistrate—See Magistrate.			
Judge (Assistant Session)—All Sentences passed by an—whereby a convict is liable to imprisonment for a period exceeding two years, shall be confirmed by the Session Judge, ...	XIX.		
,, (Zillah)—See Tasheldars.			
Jurisdiction—See Coin.			
Jury—See Buildings.			
,, —Court of Petty Sessions Bombay empowered to issue their Warrant to the Sheriff of the Town to summon a Jury of twenty-four persons, of whom twelve shall be selected for the valuation of such ground in the Islands of Bombay and Colaba, as may be required for public purposes, with reference to the preceding Sections of this Act. Fine to be enacted from the Jurymen for any wilful neglect of duty,	XXVIII.	XVIII.	

	Act.	Section.	Clause.
Jury—Fees allowed on account of Warrants, &c. for summoning Juries as aforesaid, ..	XXVIII.	XIX.	
Justice of the Peace—See Magistrate—See Petty Offence Act:			
„ „ —No Justice of the Peace at Prince of Wales' Island, Singapore and Malacca, being a Proprietor or Renter of a Spice Plantation, or otherwise directly interested in the enforcement of the provisions of Act No. IV. of 1839 relative to stealing any growing tree, sapling or shrub, shall have a deliberative voice in trying matters made offences by such Act, ...	IV.	VII.	
Labourers—See Natives.			
„ —See Fines.			
Lands in the Islands of Bombay and Colaba—See Buildings.			
„ ——— „ —— Collector of Land Revenue Bombay authorized to take possession, for the use of Government, of such lands constituting Streets, Roads or Thoroughfares, beyond the limits of the Town, as shall become useless for such purposes,	XXVIII.	XXIX	
Magistrate—The term Magistrate, in cases of levy of fines, shall extend to all "Joint Magistrates," "Persons exercising the powers of a Magistrate," and "Justice of the Peace,"	II.	IV.	
Magistrates and Assistant Magistrates—Offences specified in Sections XI. and XXVII. of Regulation XVI. of 1827, and sundry other Sections and Regulations of Bombay Code cognizable by Magistrates and Assistant Magistrates, ...	XXV.		
Mason (Master)—See Fine.			
Moonsiff's Courts—See Rent.			
Natives—Emigration of—As labourers without the East India Company's Territories prohibited. Persons contracting with Natives for labour beyond those Territories shall be liable to a fine, ...	XIV.	II.	
See Seamen.			
Oath—to be taken by a Commission of Enquiry. See Commission of Enquiry.			
Officers — (accused of official misconduct) power of suspending—vested in the authority under whose controul they shall be,	XXVI.	XIX.	

	Act.	Section.	Clause.
Officers—Authority to which they are subordinate, empowered to pass decision after due investigation,—Individuals deeming themselves aggrieved to seek redress according to the ordinary forms prescribed by Law,	XXVI.	XX.	
„ —Covenanted—mode of investigation, &c. to be adopted in cases of charges of official misconduct against Covenanted Officers. See Charges.			
„ —(Suspended)—Allowance to which they are entitled—left discretional with the authority under whose controul they shall be, ...		XIX.	
Penalties—See Fines.			
Penalty—Attendant on the non-observance of certain Rules connected with Buildings in the Islands of Bombay and Colaba.—See Buildings.			
„ —See Fines.			
Persons convicted of any offence by virtue of Act IV. of 1840, and who shall have paid the sum adjudged to be paid, together with costs, or shall have suffered imprisonment shall be released from all further proceedings for the same cause, ...	IV.	III.	
Persons—who shall receive any property, the stealing of which is by Act No. IV. punishable, knowing the same to be unlawfully come by, shall be liable to forfeiture and punishment, ...	„	VI.	
„ —tried for any offence allowed to make full answer and defence by counsel, and to have all witnesses examined and cross examined, ...	XXII.	I. and II.	
„ —held to bail to have copies of examinations of witnesses upon whose depositions they have been held to bail.—Copies of such examinations to be refused if not applied for in a certain time—Judge competent to postpone trial for want of such examinations, ...	„	III.	
„ —under trial entitled to inspect depositions taken against them, ...	„	IV.	
Petty Offence Act—Not lawful for Justices of the Peace to sentence persons charged with the commission of felony, or otherwise			

than

	Act.	Section.	Clause.
than according to the provisions of this Act,	XXI.	I.	
Petty Offence Act—Rule, Ordinance and Regulation for the good Order and Civil Government of the Settlement of Fort William, repealed,	,,	,,	
,, —Justices of the Peace to sentence persons stealing property to the extent of 20 Rupees,	,,	II.	
,, —Ditto to award what punishment and to what period,	,,	III.	
,, —Ditto at liberty to commit persons guilty of simple larceny for trial at the Supreme Court,	,,	IV.	
,, —Ditto to draw up his judgment, after trying any such Offender, in what form of words,	,,	V.	
,, —Ditto to transmit to the Supreme Court all judgments of acquittal and conviction passed by them, with the depositions and examinations of the witnesses and prisoners,	,,	VI.	
,, —Ditto to swear prisoners, or require them to make solemn affirmation, to cause the depositions of the witnesses, &c. to be reduced to writing, and to sign such writing,	,,	VII.	
,, —Persons summoned as witnesses to be punished on refusing to attend,	,,	VIII.	
,, —Justice of the Peace to order the restitution of the property stolen. Persons to be fined for refusing to restore the same, and in default of payment to be imprisoned,	,,	IX.	
,, —Persons guilty of assault or battery on board of Merchant Ships shall be liable to be punished by fine,	,,	X.	
,, —Nothing in this Act to affect the remedy of any person aggrieved through the means of the Writ of Certiorari,	,,	XI.	
Postage—See Duties.			
Prince of Wales' Island, Singapore and Malacca—Peace or Revenue Officers empowered to enter and search any house or shop in which there shall appear sufficient cause to believe Articles, the exclusive privilege of preparing or selling, which			

has

	Act.	Section.	Clause.
has been farmed out to parties, and to seize and take possession of them,.....	V.	I.	
Prince of Wales' Island, Singapore and Malacca—Persons committing any act in contravention of any of the provisions of Regulations, Nos. II. III. IV and V. of 1830, passed by the late Governor in Council of the Settlements of Prince of Wales' Island, Singapore and Malacca may be searched without a Warrant by a Peace or Revenue Officer, persons to be searched may demand to be taken before some neighbouring Magistrate or Justice of the Peace,..	„	II.	
„ —Persons obstructing Officers in making search as aforesaid, shall be subject to fine or in case of non-payment of fine to imprisonment, ...	„	„	
„ —Any Officer maliciously apprehending or detaining any person on the plea of their having infringed the provisions of the aforesaid Regulations shall pay a fine, and in case of non-payment of it, to be liable to imprisonment,.....	„	III.	
„ —Any Officer committed under the preceding Section, who shall have paid the sum adjudged to be paid by him, or who shall have suffered the imprisonment awarded, shall be released from further proceedings from the same cause,.....	„	IV.	
„ —No Revenue or Peace Officer competent to act under this act unless appointed in a certain way by the Principal Civil Authority of the Station, where such Peace or Revenue Officer may reside,.....	„	V.	
„ —persons within the Settlements of—waging war against the Government of any power in Alliance with the Government of the Company, or attempting to wage such war shall be guilty of felony, and be liable to transportation or imprisonment, ...	X.	I.	
„ ditto ditto—receiving any property knowing the same to have been taken from any Power in Alliance with the Government of the Company, in the prosecution of war against such power shall be guilty of felony, and be liable to transporta-			

tion

	Act.	Section.	Clause.
tion, or imprisonment with or without hard labour, ...	X.	II.	
Prince of Wales' Island, Singapore and Malacca—Assessment to be levied on dwelling houses, &c. at George Town, &c., ...	XII.	II.	
„ —Assessment to be levied on dwelling houses, &c. beyond the limits of George Town, &c., ...	„	III.	
„ —Dwelling houses, &c. of value less than six Spanish Dollars, exempted from Assessment, ...	„	IV.	
„ —Chief Civil Officer to fix the limits of the Town of George Town, &c. in order to the determination of the rates of Assessment, ...	„	V.	
„ —Religious Edifices, Hospitals, Cemeteries, &c. appropriated to charitable purposes, exempted from Assessment, ...	„	VI.	
„ —Houses, Bungalows, &c. within any Military Cantonment, and occupied by Officers, Soldiers, and Sepoys exempted from Assessment, ...	„	VII.	
„ —A Tax to be levied on all Carriages, Carts, and Cattle at rates specified, ...	„	VIII.	
„ —Chief Civil Officer authorized to appoint Officers for the collection of Assessment and Taxes—Officers so appointed subject to the same responsibility as those employed in the collection of Land Revenue,	„	IX.	
„ —In default of payment of Assessment, property to be distrained and sold—Overplus of sale to be made over to owners, ..	„	X.	
„ —Officers collecting Assessment competent to sue defaulters for the recovery of arrears through a Court of Justice, ...	„	XI.	
„ —Persons who claim exemption from the payment of Assessment, should pay the same on demand, and afterwards appeal against such demand to Justice of the Peace sitting in General Quarter Sessions,	„	XII.	
„ —Watching, cleansing, lighting, and repairing of the streets and thoroughfares in George Town, &c. and repairing roads, bridges, &c. to be effected out of the Funds collected from the Assessment, ..	„	XIII.	
„ —Detailed Statements, exhibiting the sums collected under the heads of Cesses			

and

	Act.	Section.	Clause.
and Taxes, and shewing the disbursements to be furnished by the Officer collecting the Assessment. The statement so prepared shall be published in the Newspapers, ..	XII.	XIV & XV.	
Prince of Wales' Island, Singapore and Malacca—Officers appointed to collect the Assessment to be subject to the Chief Civil Authority of the incorporated Settlement,	„	XVI.	
„ —Palanquin, Carriage, Cart, &c. to be registered by Police Officer— Owner of any conveyance in omitting to register the same to pay a forfeit, in default of the payment of which, his goods to be distrained, ...	„	XVII.	
„ —Assessment to be paid half yearly in advance,.....	„	XVIII.	
„ —Forfeit to be paid by Owner of vehicles for not placing numbered boards on them, ...	„	XIX.	
„ —In case of any change in the occupation of any dwelling house the same Assessment to be levied as before. The same Rule to hold in reference to Assessment levied on Goods and Chattels of the occupiers, ..	„	XX.	
„ —The owner of a dwelling house not let to any tenant, shall be deemed the occupier thereof—Abatement of Assessment to be made if the premises have not been inhabited for a period of three months, ...	„	XXI.	
„ —No Assessment shall be impeached or affected by reason of any imistake in the name of any person, or any thing charge able with Assessment or Tax, ...	„	XXII.	
„ —Land occupied in the Settlements without a grant or title from Government duly registered, and which has not been declared free from Assessment, shall be liable to Assessment,.....	XVI.	II.	
„ —Persons holding land in the Settlements as by the preceding Section to remove from it on notice being given to that effect, and on refusing to do so to be ejected and the land taken possession of—Persons who have filed their claim to exemption from Assessment on land shall not be liable to ejectment until their claim shall have been determined,.....	„	III.	

	Act.	*Section.*	*Clause.*
Prince of Wales' Island, Singapore and Malacca —Magistrates and Police Officers to aid Collector and his Officers in the ejectment. Holders of land resisting such ejectment, and persons who shall be aiding such resistance shall be fined, and in default of payment of the same, shall be imprisoned, ..	XVI.	IV.	
„ —Persons desirous of clearing and occupying waste and forest lands in the Settlements to make application to the Collector of Land Revenue. If there be cause to prevent the immediate measurement of land which is to be leased, the Collector to issue to the applicant a permit or written authority to clear and occupy such land. On land thus occupied the Collector to demand and enforce the payment of rent with certain provisions, ...	„	V.	
„ —On land being leased the applicant to set up good land marks—and to keep them in repair. If land marks be not kept in repair—the Collector to cause the repairs to be made, and levy three times the cost of such repairs from the holder of the land. Persons resisting the Collector in his removing or defacing any land mark shall be punished as provided in the IVth Section of this Act,.....	„	VI.	
„ —All applications to hold lands for a term exceeding that specified in Section V. to be forwarded to the Government of Bengal,.....	„	VII.	
„ —Every lease to be signed by the Collector and to specify the name of the leaseholder, the quantity of the land and the rate of rent. These particulars to be entered in a Register,.....	„	VIII.	
„ —Collector to accept on the part of Government, surrender of a grant or lease by parties for the purpose of subdividing the same, and re-grant or lease the same in parcels. No subdivision allowed unless all arrears of rent are paid up, ...	„	IX.	
„ —Payment of rent of land to be made in the office of the Collector, ...	„	X.	I.
„ —Collector to demand rent by notice in writing, in default of payment of which			

the

	Act.	Section.	Clause.
the amount with costs of process to be recovered under the powers of this Act,..	XVI.	X.	II.
Prince of Wales' Island, Singapore and Malacca—Notice how to be served, ...	,,	,,	III.
,, —One Rupee to be charged for serving notice, which, if not paid, shall be leviable, in the same manner as arrears of rent,....	,,	,,	IV.
,, —Attachment to be issued against the holder of land for not paying arrear of rent, and the Collector to seize the personal property of the holder and to bring the same to sale by Public Auction, ...	,,	,,	V.
,, —Attachment to be made by whom. Seal to be set on property and an inventory thereof taken. The assistance of the Police to be availed of in case of resistance,.....	,,	,,	VI.
,, —For an Attachment Two Rupees shall be charged. Leviable by sale of attached property if not paid on demand, ...	,,	,,	VII.
,, —Land on account of which arrear of rent shall be demanded and not paid, shall be sold and in what manner, ...	,,	,,	VIII. and IX.
,, —Two Rupees to be deducted for Advertisement and one per cent. on the net proceeds of sale, ...	,,	,,	X.
,, —Persons having an interest in any property, may prevent the sale thereof by paying the rent in arrear with interest and all legal expences, ...	,,	,,	XI.
,, —Summary process to be held applicable to arrears of rent due within the period of one year, ...	,,	,,	XII.
,, —Persons having objections to the seizure of their personal property at liberty to represent such objections to the Collector. If the call adhere to the seizure, application for redress to be made to any Civil Court,	,,	,,	XIII.
,, —No sale of property to be stayed without a deposit of money to the amount of arrears of rent, or without substantial security, ...	,,	,,	XIV.
,, —Mutations in reference to land how to be registered, ...	,,	XI.	I. and II.
,, —No mutations shall be registered unless the boundaries of the lands are defined			

by

	Act.	Section.	Clause.
by land marks. Holders to keep land marks in repair, in default of which they shall be liable to a forfeit, ...	XVI.	XI.	III
Prince of Wales' Island, Singapore and Malacca—What fee to be charged for the Register for inspecting the Register, and for granting a certified extract from the Register, ...	,,	,,	IV
,, —Registry of mutation not of itself to establish legal title to land, nor bar any rights questioned judicially. Deed to be registered in the Collector's Office to render it valid, and to be received in evidence as a legal instrument, ...	,,	,,	V.
,, —Nothing in this Act contained shall apply to such cultivators and resident tenants of Malacca as hold their lands by prescription, ...	,,	XII.	
Regulations of the Bengal Code giving authority to any person to sell distrained property for the recovery of arrears of rent, repealed, ...	I.	I.	
,, of ditto—giving powers to persons appointed to conduct the sale of property distrained for the recovery of arrears of rent, &c. applicable to all parties appointed for the sale of such property under this Act, ...		III.	
Rent—No person is, by reason of place of birth, or by reason of descent, in proceedings connected with arrears or exactions of rent, excepted from the jurisdiction of the Revenue Courts, ...	III.	I.	
,, —No proceeding connected with arrears and exactions of rent instituted in any Revenue Courts, and no decree passed in such proceeding by such Courts, shall be treated as invalid by reason of the place of birth or descent of any party, ...	,,	II.	
,, —No person shall by reason of place of birth, be in any civil proceeding connected with arrears or exactions of rent excepted from the jurisdiction of Moonsiff's Courts,	,,	III.	
See Distrained Property.			
Repeal of Acts and Regulations — Section XXIII. of Regulation XXVIII. of 1802 of the Madras Code repealed—and Commis-			

sions

	Act,	Section.	Clause.
sions for the sale of distrained property appointed under the provisions of that Section annulled, ...	VII.	I.	
Repeal of ditto and ditto — Regulation I. of 1827, repealed, ...	XII.	I.	
„ ——— „ ——— „ — Acts No. XXXII. of 1837 and No. V. of 1837, repealed, ..	XIV.	I.	
See Petty Offence Act.			
„ ——— „ ——— „ — Act No. XXIII. of 1836, repealed, ...	XXIV.	I.	
„ ——— „ ——— „ — Regulation IV. of 1831, repealed, and certain other Clauses and Sections of Regulations of Bombay Code so far as they relate to the penal jurisdiction of Collectors as Magistrates, repealed, ...	XXV.		
„ ——— „ ——— „ — Sections and Clauses of sundry Regulations, relating to charges of corruption ; to Covenanted Servants, &c., repealed, ...	XXVI.	I.	
„ —Certain Articles of Rule, Ordinance and Regulations of 1812 and 1815 passed by the Government of Bombay, repealed, ..	XXVIII.	I.	
Ruinous Buildings—See Buildings.			
Scaffolding—See Buildings.			
Seamen (Native) Act,—not applicable to—who freely contracts to navigate such vessel or embarks in the capacity of a menial Servant, ...	XIV.	III.	
Security — Liability of Persons preferring charges against Covenanted Officers for official misconduct to furnish security, ..	XXVI.	VII.	
Stamp Duty or Institution Fee not payable in appeals to Her Majesty in Council,.....	XI.		
Stealing any growing tree, sapling, or shrub, &c. within the jurisdiction of Prince of Wales' Island, Singapore and Malacca how punished, ...	IV.	I.	
„ —Every sum of money forfeited for stealing any growing tree, sapling, &c. within the jurisdiction of Prince of Wales' Island, &c. shall be paid to the party aggrieved,	„	II.	
Sudder Dewanny and Nizamut Adawlut. See Charges.			
Sudder Boards of Revenue—See Charges.			
Sudder Ameens—(Principal and other—and Deputy Collectors) authority for the			

	Act.	Section.	Clause.
appointment of Commissions to investigate charges of official misconduct against them,	XXVI.	XXI.	
Sugar Act—Foreign Sugar, or any Sugar which is the growth of any British possession into which Foreign Sugar can be legally imported, not to be landed in any part of the Madras territories under pain of confiscation,	XV.	I.	
„ —Persons desiring to obtain Certificate of origin of Sugar, shall in the presence of the Officer granting such Certificate make and subscribe a Declaration in the form of Schedule, marked A, annexed to this Act,	„	II.	
„ —Officer before whom a Declaration in the form of Schedule A, shall have been made, shall grant to the Declarant a Certificate in the form of Schedule, marked B, annexed to this Act,	„	III.	
„ Persons intending to ship Sugar shall produce to the Collector of Customs a Certificate such as is above described, and to make and subscribe a Declaration in the form of Schedule, marked C, annexed to this Act,	„	IV.	
„ —The Officer to whom such Certificate shall have been produced and before whom such Declaration shall have been so made, shall grant to the person, who has subscribed to such Declaration a Certificate in the form of Schedule, marked D, annexed to this Act,	„	V.	
„ —Persons knowingly affirming an untruth in making any Declaration shall be punished by fine, and imprisonment with or without hard labour,	„	VI.	
„ —This Act to come into operation one year after the date of its publication,	„	VII.	
Suits for the Recovery of Fines—See Fines.			
„ Preliminaries necessary previous to commencing any action or suits against parties coming under this Act, and forms which shall be observed at different stages of proceedings,	XXVIII.	XXXIV.	
„ —*In forma pauperis* to be instituted in Civil Courts in what conditions,	IX.	I.	

	Act.	Section.	Clause.
Suits *in forma pauperis*—pleadings in,—on the part of the defendant to be written on unstamped paper, and copies of orders or proceedings which the defendant may be required to take to be furnished him on unstamped paper. Defendant not required to deposit Vakeel's fees: The conditions on which the Court shall calculate the whole of the costs, and to whom to charge the same and in what proportions,	IX.	II.	
„ —— „ —— nothing contained in this Act to extend to suits *in forma pauperis* in Her Majesty's Courts, ...	„	III.	
Suspended Officers—See Officers.			
Tasheldars of Bombay vested with the powers of Commissioners for the sale of property distrained for arrears of rent, ...	VII.	II.	
„ —To be subject to the controul of the Collector instead of the Zillah Judge, except in Judicial proceedings, ...	„	III.	
„ —To be subject to same liabilities to which they are subjected by Section X. Regulation IX. of 1822 of the Madras Code, ...	„	IV.	
„ —Entitled to no fee or commission for selling distrained property, ...	„	V.	
„ —Have authority to delegate powers vested in them to any public servants placed under their authority, ...	„	VI.	
Thuggee—Persons guilty of the crime of—in what Court to be tried, ...	XVIII.		
Tiled Roofs—See Buildings.			
Transportation—See Coin.			
Tree—See Stealing,			
Villages comprising the Jagheer of Chinchnee subject to all Acts and Regulations in force within the Bombay Territories, ...	VIII.		
Vizagapatam—See Ganjam and Vizagapatam.			
Warrant—See Jury.			
Water Courses—See Buildings.			

G. H. Huttmann, Bengal Military Orphan Press.

ACT No. I OF 1840.

Passed by the Hon'ble the President of the Council of India in Council, on the 27th January, 1840.

AN Act for regulating the Procedure on Trials referred to the Court of Foujdaree Udawlut at Madras.

I. Whereas the dispensing with a Futwa, in cases referred to the Court of Foujdaree Udawlut at Madras, will be attended with great convenience ; and the Futwa may be dispensed with in that Court, without altering or impairing the authority of the Mahometan Law ;—It is, therefore, hereby enacted, that in Trials referred to the said Court of Foujdaree Udawlut at Madras, that Court shall not be required to take a Futwa from their Law Officers. Provided always, that nothing in this Act contained shall authorize the said Court to dispense with the Mahometan Law in any case, which, before the passing of this Act, would have been determinable according to that Law by the said Court.

ACT No. II OF 1840.

Passed by the Hon'ble the President of the Council of India in Council, on the 10th February 1840.

AN Act for regulating the execution of sentences of imprisonment passed by Courts Martial in certain cases.

1. It is hereby declared and enacted, that whenever under Act No. XXIII. of 1839, any sentence of a Court Martial shall adjudge imprisonment, or imprisonment with labor, for any offence, it shall be the duty of every Judge, Magistrate, Sheriff, or other Officer in charge of any Gaol, to give effect to such sentence on the offender being delivered into his custody, and on being furnished with a copy of the sentence by the Officer Commanding the Division, Garrison, Regiment, or Detachment, as the case may be, to which the offender belongs.

ACT No. III. OF 1840.

Passed by the Right Hon'ble the Governor General of India in Council, on the 17th February, 1840.

For the Incorporation of a Bank at Bombay.

WHEREAS the Hon'ble Court of Directors of the East India Company, by and with the approbation of the Board of Commissioners for the Affairs of India have sanctioned the establishment of a Bank at Bombay on the same principles as were prescribed for, and have been observed in the re-incorporation of the Bank of Bengal, by Act No. VI. of 1839: and whereas the said Court of Directors have directed the body of Proprietors in existence at the date of the despatch which contained the said sanction for the incorporation of a Bank of Bombay to be the Proprietors in whose favor the Act of Incorporation is to be passed:

It is therefore hereby enacted, that from the 1st day of April next ensuing, in the year of our Lord 1840, the persons whose names are included in the Schedule hereunto annexed, provided that they, with the Government of Bombay on the part of the East India Company, have paid up the amount of Capital Stock subscribed by them respectively, or such of them as have so paid up their subscriptions shall, together with the Governor in Council for the time being of the Island and Presidency of Bombay, be a corporation, body corporate and politic, by name of the Bank of Bombay, with perpetual succession to them and their successors as Proprietors for the time being of the said Bank as hereafter mentioned and provided, and shall possess and enjoy all the rights, privileges, and immunities incident by law to a corporation aggregate.

Provided however, that it shall be lawful for the Governor General of India in Council at any time before the 1st May next to rectify any errors in the Schedule of the said Proprietors by notice in the Official Gazettes of Calcutta and Bombay, so that no alteration be made in the principles upon which such Schedule has been framed.

II. And it is hereby enacted, that the Capital Stock of the Bank of Bombay shall in amount not be less than Fifty Lakhs of Rupees, nor unless increased as hereinunder provided more than Fifty-six Lakhs, whereof Three Lakhs of Rupees shall be the property of the Governor in Council of Bombay, and the persons whose names are in the Schedule hereunto annexed, shall, provided that the amount of Stock subscribed for by them, be paid up on or before the 1st April next, be Proprietors of the Shares of the said Capital Stock set against their names respectively, together with any further persons whose claims shall be admitted before the 1st May next, on their paying up the Stock to which they may be so admitted upon or before the said 1st May next. And if any of the Proprietors named in the said Schedule shall not have duly paid up in full the amount of Capital Stock to which he or they are entitled, the shares of such Stock that may be so unpaid, (provided that the total amount that may so lapse do not reduce the Capital Stock of the Bank below the sum of Fifty Lakhs of Rupees,) shall be cancelled. And if the lapsed shares cause the aggregate of the Capital Stock to be less than Fifty Lakhs of Rupees, then so much Stock as may be necessary to complete that sum, shall be sold by Public Auction in Lots of One Thousand Rupees, on such date not being later than the 1st of May next, as may be fixed by the Governor in Council of Bombay, and the amount realized at such sale, after making good the Capital Stock, shall be passed to credit as a profit at the disposal of the Bank.

III. And it is hereby enacted, that it shall be in the power of the Governor General of India in Council, from time to time, by an order duly published in the Government Gazettes of Calcutta and of Bombay, to authorize the said Capital Stock to be increased, and to make such order and direction for the opening of subscriptions towards such increase of Capital, as to him may seem fit, giving due notice thereof to the Proprietors of the said Bank for the time being, and allowing to them a period of not less than twelve months to fill up such subscription themselves, and likewise to prescribe in what manner and form the Proprietors shall subscribe and pay into the said Bank of proportion of new Stock to which they may respectively be entitled; and also to make such order and direction as to him the said Governor-General in Council may seem fit, for the disposal of the amount of new Stock that may not be subscribed for, and paid up by the Proprietors in the manner and form that may be so prescribed.

IV. And it is hereby enacted, that the Capital Stock of the Bank of Bombay shall be divided into shares of One Thousand Rupees each, which shall be numbered accordingly, and three hundred of the said shares numbered from No. 1 to 300 shall be the property of the Governor in Council of Bombay, and the remainder shall be the property of the Proprietors who may pay up the same, and no separate interest or share in the Stock of the said Bank of less amount than One Thousand Rupees shall be created or held by any Proprietor, and if at any time the Capital of the said Bank shall be increased, the new Stock added thereto shall in like manner be divided into shares of One Thousand Rupees each, and no Proprietor shall be entitled to claim a share of such new Stock of less amount than One Thousand Rupees.

V. And it is hereby enacted, that on the said 1st day of April 1840, or on some early day after that date, the Governor in Council of Bombay shall notify in the Official Gazette of that Presidency, that the Government share of the Capital Stock of the Bank of Bombay has been paid up, and shall publish in the said Gazette a list of the Proprietors by whom the shares of the said Capital Stock subscribed for by them respectively have been paid, and the Bank of Bombay being incorporated as above provided, shall from the date of such notification be opened for the transaction of all manner of business authorized by this Act; and the said Bank shall and may sue, and be sued, by its Corporate name, and shall and may use such common Seal as the Directors of the said Bank shall from time to time appoint, and shall be competent to acquire and hold, either absolutely or conditionally, for a term or in perpetuity, any description of property whatever, and to transfer and convey the same.

VI. And it is hereby enacted, that payment of the amount of subscriptions to the Capital Stock shall be made to the Sub-Treasurer of the Government of Bombay for the time being, who will grant receipts for the same, and hold the amount as a deposit in the Treasury until the publication by the Governor in Council of Bombay of the notification prescribed in Section V. of this Act, when he will deliver the amount so subscribed to the Directors of the Bank to be appointed as hereinafter provided.

VII. And it is hereby enacted, that after the said delivery of the amount of Capital Stock to the Directors of the Bank, the receipts granted by the Sub-Treasurer of the Government of Bombay, in the manner provided in Section VI. of this Act, shall be cancelled, and a certificate, signed by three Directors of the Bank of Bombay, shall be delivered to each Proprietor, and any person who is a Proprietor of more than one share of the Capital Stock may at his option demand a certificate for each of his shares, or one certificate for all his shares, or several certificates, each of which may be for any number of his shares.

VIII. And it is hereby enacted, that no Proprietor shall be allowed to increase his share in the Capital Stock of the said Bank beyond the amount of One Lakh and Sixty Thousand Rupees, excepting on occasion of any increase being made to the Capital Stock of the said Bank under the authority of the Governor General in Council, in the manner prescribed in Section III. of this Act; in which case any Proprietor holding Stock to the full amount of One Lakh and Sixty Thousand Rupees shall notwithstanding be entitled to subscribe to the increased Capital Stock in a rateable proportion, and excepting any addition to his interest in the said Capital Stock arises from succession, bequest or marriage.

IX. And it is hereby enacted, that the said share or shares of the Capital Stock of the said Bank shall be of the nature of personal estate of the Proprietors thereof respectively, and that the same shall be transferable by endorsement to be made on the certificates thereof respectively, under the hand of the Proprietor or Proprietors, or his, her, or their Attorney duly authorized, which endorsement shall specify the name of the person or persons to whom the said transfer shall be made; provided that no such endorsement shall be effectual to transfer any such share or shares until such endorsement shall have been registered at the Bank of Bombay, and such registration shall have been noted on such endorsement under the hand of an Officer appointed for that purpose by the Directors of the said Bank.

X. And it is hereby enacted, that the said Corporate body of the Bank of Bombay shall consist and be composed of the Registered Proprietors for the time being of the said shares of the Capital Stock of the said Bank, and of no other person or persons whatsoever.

XI. And it is hereby enacted, that the business of the said Bank shall be managed by nine Directors, of whom three shall be appointed and removeable by the Governor in Council of Bombay, and the remaining six shall be elected by the General Meeting of the Proprietors of the said Bank, and shall be removeable by vote of the majority of a General Meeting of the said Proprietors.

XII. And it is hereby enacted, that the first Directors of the said Bank of Bombay shall be such three persons as may be appointed by the Governor in Council of Bombay to be Directors of the Bank, together with six persons of those whose names are inserted in the Schedule annexed to this Act, and who, being entitled to not less than twelve shares or twelve Thousand Rupees of the Capital Stock of the said Bank, shall be elected at a General Meeting of the persons whose names are inserted in the said Schedule, to be held in the Town Hall of Bombay, at such time as the Governor in Council of Bombay may fix by public Notification in the Official Gazette of that Presidency; and the election shall be made by the persons who according to the Schedule hereunto annexed may be entitled to shares of the Capital Stock of the Bank, and the said persons shall vote at such election in person or by proxy according to the quantity of Stock respectively held by them, as if they were Proprietors to all intents and purposes of the shares for which they are entitled to subscribe, and the Directors so appointed shall appoint Officers, and take all necessary steps for opening the Bank when this Act shall take effect for its incorporation; and the rotation amongst the six Directors first appointed under the next preceding Section, shall be established according to the number of votes; the two Directors elected by the fewest votes first vacating, and the next two in the year following, and so in succession in the third year.

XIII. And it is hereby enacted, that two of the six Directors elected as provided in Section XII. and to be elected by the Proprietors, shall in rotation go out of office on the second Monday in the month of December in every year, on which day in every year a General Meeting of Proprietors shall be held for the election of two Directors in their stead; provided always, that any Director going out by rotation as aforesaid may not be re-elected at the election which takes place thereupon.

XIV. And it is hereby enacted, that in case of the death, resignation, or absence from Bombay for more than three months, or disqualification under Section XV, or removal as aforesaid of any Directors elected as provided in Section XII, or to be elected by the Proprietors after the incorporation of the Bank of Bombay, the Directors shall call a General Meeting of the Proprietors, to be held within fifteen days of the day of notice, for the purpose of choosing a successor, and such successor shall come into the same place in rotation above mentioned in which the late Director was.

XV. And it is hereby enacted, that no person shall be capable of serving as a Director by election of the Proprietors who shall not be Proprietor in his own right and unincumbered of twelve shares of 12,000 Rupees of the Capital Stock of the Bank of Bombay, or who shall be a Director of any other Bank issuing notes payable on demand within the Town or Island of Bombay.

XVI. And it is hereby enacted, that at a General Meeting of the Proprietors every election and other matter in question shall be decided by a majority of votes, and that no person shall be allowed to vote at any such Meeting in respect of any share of the said Capital Stock acquired by transfer or purchase, or otherwise, than by the act of Law, unless such transfer shall have been completed six months at the least before the time of tendering such vote.

XVII. And it is hereby enacted, that at all such General Meetings the Proprietors shall vote according to the following scale:

The Proprietor of 4 Shares	of 1,000 Rs.	shall be entitled to —			1	vote.
20	"	"	"	"	2	"
40	"	"	"	"	3	"
60	"	"	"	"	4	"
80	"	"	"	"	5	"
120	"	"	"	"	6	"
160	"	"	"	"	7	"

and no Proprietor shall be entitled to more than seven votes.

XVIII. And it is hereby enacted, that it shall be lawful for the Governor in Council of Bombay to give a proxy in writing, signed by one of the Secretaries to Government, to any person whom the Governor of Bombay may appoint to attend any General Meeting of the Proprietors, and that the holder of such proxy shall be entitled to give seven votes upon all matters or questions that may be submitted to such Meeting, except upon the election or removal of such Directors as are elected by the said Proprietors.

XIX. And it is hereby enacted, that any Proprietor or Proprietors entitled to vote at any General Meeting, may give a proxy in writing, either general or special, under his, her, or their hand, or the hand of his, her, or their Attorney duly authorized, to any other Proprietor, and that such proxy shall be produced at the time of voting, and that such proxy shall entitle the person to whom it is given, to vote on such matter or matters as shall be authorized by the tenor of such proxy.

XX. And it is hereby enacted, that at the first Meeting of the Directors in every year, they shall choose a President from among themselves, and if the office of President shall become vacant, they shall, at their next Meeting, choose a successor for the remainder of the current year; and that during any vacancy, or in the absence of the President, the senior Director shall be Vice President for the time, and that such President or Vice President shall have the casting vote in all cases of an equal division of votes at Meetings either of Directors or Proprietors.

XXI. And it is hereby enacted, that the presence of at least three Directors shall be necessary to form a Board for the transaction of business, and the said Directors shall establish a weekly rotation among themselves, so that not less than three Directors may attend every Meeting of Directors; provided always, that nothing herein contained shall be held to preclude any Director from attending any Meeting of Directors.

XXII. And it is hereby enacted, that all accounts of the said Bank, and all instruments not under seal, whereby the said Bank can in any manner be bound, except the cash notes of the said Bank, shall be signed by three Directors, and shall be of no validity unless so signed, and that the seal of the said Bank shall not be affixed to any instrument except in the presence of three Directors, who shall sign their names on the instrument in token of their presence, and that such signing shall be independent of the signing of any person who may sign the instrument as a witness, and that unless so signed by three Directors, such instrument shall be of no validity.

XXIII. And it is hereby enacted, that the said Directors shall have power to appoint such Officers as may be necessary to conduct the business of the said Bank, and to remove any Officer of the said Bank, and to fix the salaries of such Officers, provided that the whole expense of the establishment of the said Bank shall not, in any one year, exceed 60,000 Rupees, without authority from the General Meeting of the Proprietors.

XXIV. And it is hereby enacted, that no person who shall hold the office of Secretary, Treasurer, Head Accountant, or Head Shroff of the Bank of Bombay, shall engage in any other Commercial business, either on his own account, or as Agent for any other person or persons, or act as a Broker for the sale or purchase of Government Securities, and that every person appointed to any one or more of the said offices shall give security to the Directors for the faithful discharge of his duty, in the sum of Fifty Thousand Rupees.

XXV. And it is hereby enacted, that the said Bank of Bombay shall not be engaged in any kind of business, except the kinds of business hereafter specified, that is to say:

1st. The discounting of Negotiable Securities.

2d. The keeping of Cash Accounts, including the realization of Dividends and Interest on Government Securities to the credit of Constituents of the Bank.

3d. Buying and selling of Bills of Exchange payable in India.

4th. The lending of Money on short loans.

5th. The buying and selling of Bullion.

6th. The receiving of Deposits.

7th. The issuing and circulating of Cash Notes and Bank Post Bills.

8th. The selling of Property or Securities deposited in the Bank as Security for loans and not redeemed, or of Property or Securities recovered by the Bank in satisfaction of debts and claims.

XXVI. And it is hereby enacted, that the Directors of the said Bank shall discount no Negotiable Security, and make no loan, unless the amount of Cash in possession of the said Bank, and immediately available, shall be equal to at least one-fourth of all the claims against the said Bank outstanding for the time being and payable on demand.

XXVII. And it is hereby enacted, that the Directors of the said Bank of Bombay shall not discount any Negotiable Securities which shall have a longer period to run than three months, or lend any money for a longer period than three months; and that they shall make no loan or advance on any Bank Share or Certificate of Shares, nor on Mortgage, or in any other manner on the Security of any Lands, Houses, or immoveable property, nor on any Negotiable Security of any individual or partnership firm, which shall not carry on it the several responsibilities of at least two persons or firms unconnected with each other in general partnership, nor be in advance at one and the same time to any individual, or partnership firm, either by way of discount, loan, or in any other manner,—(saving by loans upon the deposit of Government Securities, or Goods not perishable as hereinafter mentioned,) beyond the amount of Three Lakhs of Company's Rupees; Provided always, that the advances upon Bills of Exchange accepted by the Government or upon other Government Obligations, shall not be considered as an advance within the meaning of this restriction.

XXVIII. And it is hereby enacted, that the Directors of the said Bank shall make no loan other than such loans as are described in the clause next preceding, except on deposit of Public Securities to the full amount of the loan, and which Public Securities shall be so endorsed or transferred as to put them at the absolute disposal of the said Bank of Bombay, or on deposit of Goods not of a perishable nature, and of estimated value exceeding the amount of the loan by at least one-fourth.

XXIX. And it is hereby enacted, that the said Bank shall not be at any time in advance to the Government more than Seven Lakhs and a half of Company's Rupees; provided always, that the holding of Government Securities or of Bills of Exchange drawn upon the Government, or of other Government Acceptances or Obligations derived to the said Bank from individuals, and not overdue, or subscribed and paid for by the Bank, shall not be construed as being in advance to the Government within the meaning of this clause.

XXX. And it is hereby enacted, that the Directors of the said Bank of Bombay shall not suffer any person or persons or body corporate keeping Cash with the said Bank of Bombay, to overdraw his, her, or their account.

XXXI. And it is hereby enacted, that the said Bank of Bombay may issue Promissory Notes payable either on demand, or at a date not exceeding thirty days after sight, which Notes shall and may be signed on behalf of the said Bank by such person as the Directors of the said Bank may appoint or authorize in that behalf; provided always, that the total amount of such Notes in circulation at any one time shall not exceed Two Crores of Rupees, and provided also, that no such Note shall be for a smaller amount than Ten Rupees.

XXXII. And it is hereby enacted, that it shall not be lawful for the said Bank to make, issue, or negotiate any Note, Bill or other instrument containing any promise, undertaking, or order for the payment of money elsewhere than within the limits of India.

XXXIII. And it is hereby enacted, that it shall be lawful for the Directors of the said Bank of Bombay to receive in deposit Goods not of a perishable kind, and to contract for the safe keeping of the same.

XXXIV. And it is hereby enacted, that the Directors of the said Bank shall cause the Books of the said Bank to be balanced on the 30th day of June and the 31st of December in every year, and that a settlement of the balance on every such day signed by a majority of the said Directors, shall be forthwith transmitted to one of the Secretaries to the Governor in Council of Bombay, and that the Governor in Council of Bombay shall at all times be entitled to require of the said Directors any information touching the affairs of the said Bank, and the production of any documents of the said Bank, and that the said Directors shall comply with every such requisition.

XXXV. And it is hereby enacted, that an account of the profits of the said Bank shall be taken half-yearly on the 1st day of January and the 1st day of July in every year, and that a dividend thereof shall be made so soon thereafter as conveniently may be, and that the amount of such dividend shall be determined by the Directors of the said Bank, on the ground of the actual profits made by the said Bank during the six calendar months preceding the day up to which such half-yearly account shall be taken; provided that such reasonable expences as have been incurred in procuring this Act of Incorporation shall, upon being audited and admitted by the said Directors, be paid out of the funds of the Bank as soon as it is opened for business, and that the amount so paid shall be defrayed out of the future profits of the Bank at the discretion of the Directors; and provided that the said Directors shall have power, when they see fit, to set apart from such profit, a sum not exceeding five per cent, on the Capital Stock of the Bank as a reserve against contingencies.

XXXVI. And it is hereby enacted, that on the first Monday of the month of August in every year, a General Meeting of the Proprietors of the Capital Stock of the said Bank shall be held, at which the Directors of the said Bank shall submit to the said Proprietors a Statement of the affairs of the said Bank made up to the preceding 30th of June; and such General Meeting shall be competent to pass resolutions and frame rules and directions relative to the affairs and conduct of the said Bank; which shall be binding on the Directors and Officers of the Bank, and on the Proprietors thereof, until rescinded or modified respectively by any subsequent General Meeting.

XXXVII. And it is hereby enacted, that any three of the said Directors of the said Bank, or any ten Proprietors of the Capital Stock of the said Bank, may at any time convene a General Meeting of the Proprietors, upon giving fifteen days previous notice of such Meeting, and of the purpose or purposes for which the same shall be convened, as well to the Directors of the said Bank for the time being, as also by public advertisement in the Official Gazette of Bombay.

XXXVIII. And it is hereby enacted, that it shall be lawful for the Bank of Bombay, with the sanction of the Governor in Council of Bombay, to establish Branch Banks at such places, and under such rules and restrictions, as shall be determined by the Proprietors at their General Meetings; provided however, that such Branch Banks when so established, besides being subject to the rules and restrictions that may be imposed by the Proprietors, and to the control and orders of the Directors of the Bank of Bombay, shall be bound by the same rules as to the description of business in which they are to engage, and the manner of conducting such business, and likewise in respect to the issue of Notes payable on demand, and the retention of cash to meet the same, and in all transactions and matters herein above referred to, as are prescribed for the Bank of Bombay by this Act.

XXXIX. And it is further enacted, that if any of the said Proprietors shall become indebted to the said Bank, it shall be lawful for the said Bank to withhold payment of the dividends on the Share or Shares of such Proprietor registered as his or her own property, and not as held in trust, or as Executor or Administrator, until payment of such debt, and to apply such dividends towards payment thereof, and that after demand and default of payment, and notice in that behalf given, either to such Proprietor, or his or her constituted Agent, or by puclic advertisement in the Official Gazette, it shall be lawful for the said Bank to refuse registration of the transfer of any such share or shares of such Proprietor until payment of such debt; and if the same shall remain unpaid for the space of six months after such notice, to advertise for public sale, and to sell such share or shares, or so many as may be necessary, and to apply the proceeds thereof towards payment of such debt, with interest at the rate of six per cent per annum, paying over the surplus, if any, to such proprietor, or his or her lawful representative.

XL. And it is further enacted, that the said Bank shall continue as hereby constituted until the 1st day of April which will be in the year of our Lord 1847, and shall thereafter continue in like manner until duly dissolved or modified; provided however, that after the said 1st day of April 1847, the said Bank shall not, except upon the application or by the consent of the said Bank, be dissolved, or anywise modified, without previous notice of twelve months at the least being given to the Directors of the said Bank for the time being, of such intended dissolution or modification. Provided also, that in the event of the said Bank at any time suspending cash payments, the benefits granted to the said Bank by the present Act of Incorporation shall be thenceforth forfeited.

SCHEDULE of the Names of the Shareholders in the Bank of Bombay.

Ayrton, F.	14	Brought forward,	5363
Atkinson, Hugh	5	Bappoo Ragoonath Josey,	2
Ashburner, Luke	75	Bhasker Sunderjee,	3
Ashburner, George	75	Byramjee Dadabhoy Cursetjilah,	9
Anderson, C. W.	23	Byramjee Solabjee Guzdeer,	3
Aganoor, James	1	Buchoobhoy Merwanjee,	2
Arnott, F, S.	1	Bowany Sunker Ransord Senoy,	2
Allan, Wm.	9	Bomanjee Muncherjee Guzurat,	9
Asponkerjee Dossaboy,	1	Bhimjee Dhunjee Woomrigur,	4
Atmaram Kesson Bhandaree,	20	Caujee Chatoor,	1 1
Aga Mahomed Currim	9	Cowasjee Manikjee,	0
Aga Mahomed Rahim Serazee,	23	Church W.	5 5
Anundrow Vencajee,	5	Cowasjee Narrabhoy,	0
Ardaseer Hormusjee Santook,	1	Cogan, Captain R.	2 0
Anundrow Ragoonathjee.	2	Caldecott, John	1 0
Anundro Gunput Senoy,	2	Clibborn, Captain Thomas	5
Ardaseer Framjee Dawar,	5	Coghlan, W.	9
Ardaseer Byramjee Fuckerjee,	2	Cardwell, Thomas	1 0
Bagnold, Colonel, M, E.	20	Collett, L. A.	9
Bax, John	11	Cursetjee Ardaseer,	75
Brown, F. C.	23	Cursetjee Ardaseer, Trustee to his Daughter	75
Bainbridge, J. H.	75	Cursstjee Cowasjee Banajee,	50
Brooks, Colonel G. B.	9	Cowasjee Manookjee Billiah,	1
Barr, Colonel D.	20	Cawasjee Manookjee Bhaudoop,	75
Barr, H. J.	3	Cursetjee Cowasjee Bhadoop,	50
Barr, J. T.	2	Cawasjee Hormusjee Mama,	5
Byramjee Muncherjee,	1	Cursetjee Dorabjee,	2
Bonamy, Captain J.	23	Cursetjee Rustomjee,	2
Borradaile, H.	23	Campbell, Major Neil	9
Barretto, Joao	1	Cowasjee Dhunjee	2
Beck, W. W.	1	Cursetjee Nasserwanjee,	7
Ball, H.	2	Chedanund Dennsejee	1
Bocarro, J. J.	1	Cowasjee Eduljee Mody,	5
Bird, James	14	Cristnath Narronjee,	9
Bruce, W. C.	9	Cowasjee Framjee,	5
Brown, F. C.	9	Dickenson, Colonel	23
Burt, Thomas William	14	Dadaboy Ruttunjee,	4
Burjojee Manockjee Chenae,	2		
Carried forward,	536	Carried forward,	1102

Brought forward	1102
Dinshaw Nanabhoy Damon,.. ..	5
Davies, J. M.	5
Doveton, Bazett.....	18
Dhunjeebhoy Cursetjee, ...	5
Davidson, F. M..... ..	20
Dossabhoy Framjee Mama,.....	5
Dinshaw Furdonjee, ...	9
De Silva, Mariana	1
De Jesus, Manoel ..	5
Don, James	9
Deos Remedies Ignacio, ...	2
Dorabjee Muncherjee, ...	3
Dossabhoy Merwanjee, ...	5
Dossabhoy Cursetjee Wadia,	5
Dossabhoy Jamsetjee,..... ..	5
De Silva, Pascoal M.	10
Dossabhoy Sorabjee Moonshee, ..	9
Dossabhoy Jamsetjee Wadia, ...	5
Dent, C. R.	9
Denhaw Hurmusjee Patell, ..	2
Dhunjeeboy Merwanjee Wadia, ..	5
Davidson, Duncan	2
Dedshaw Rustomjee, ...	3
Denshaw Dadabhoy Gandee, ...	1
Daughters, 6, of Framjee Cawasjee, ..	27
Dadabhoy Pestonjee,.... ..	75
Egan, J. B..... ..	9
Elliott, A. W..	2
Eisdale, D. A..... ..	8
Elliott, G. L..... ..	9
Earle, Captain E. M.....	1
Ennis, Captain E, M,.....	1
Edmond, William....	18
Eduljee Framjee Coranee,....	3
Fraser, Simon, ...	70
Framjee Nanabhoy,..... ..	5
Frith, J. G....	24
Fletcher, Alexander, as Trustee of Messrs. Furgusson, Turner and Co....	75
Furdonjee Lunjee,.....	10
Framjee Nasserwanjee,.....	9
Framjee Ruttonjee, ...	19
Framjee Cowasjee,....	67
Foster, Captain Robert....	9
Framjee Jewajee Gandena,....	9
Framjee Muncherjee Colah,....	9
Framjee Coonverjee,.. ..	2
Framjee Nasserwanjee Patell,..	20
Fearon, Colonel P..	23
Framjee Cowasjee, Mrs.....	14
Fraser, J.	18
Fraser, H. B: (C. S.)	14
Gordon, H. G.	75
Graham, John	10
Greenhill, David	75
Grey, W. S.....	45
Gunput Bapsia Bhandaree,.....	7
Gama, J. C.	9
Griffith, Colonel J. G. .. .	7
Gunputron Sudaseerjee	2
Gordon, Colonel G. T.....	23
Grand Children of Framjee Cowasjee	18
Hunter, Walter.....	29
Hunter W. F.	20
Henderson, Capt. W	50
Henderson, Alex.	9
Henderson, Dr.....	5
Hyslop, J.....	3
Hormusjee Perstonjee Bottlewalla, ..	2
Hormusjee Pestonjee, ...	3
Hemson, John.....	1
Carried forward,	2193

Brought forward,	2193
Howard, Wm.	10
Hormusjee Monockjee Major,..	2
Hutchinson, Frederick	3
Heerjeebhoy Nursungjee,.....	1
Hebbert, W. G.... ..	2
Hall, Captain J. H....	1
Hollings, Lieut. G. E.....	9
Hutt, B. Esq....	2
Ironside, Hon'ble Edward.... ..	50
Ingle, H.....	3
Jehangeer Nasserwanjee Wadia,.. ..	20
Jameson, Captain G. J... ..	5
James, Colonel C. B..... ..	15
Jeejeebhoy Dadabhoy,..	19
Jeejeebhoy Byramjee,....	2
Jehangeer Framjee Josawalla,.. ..	9
Jehangeer Byramjee,.....	5
Jemetjee Merwanjee Cacah,.. ..	2
Jaganath Sunkersett,....	68
Jehangeer Nasserwanjee Wadia, for his Sister Soneboy,.... ..	18
Jamsetjee Burjorjee,.....	1
Jehangeer Framjee Cowasjee.. ..	9
Jamardonjee Abbajee,...	1
Kennett, Captain V. F.... ..	5
Kesshow Runsordjee,..... ..	5
Kennett, Colonel B....	9
Kennedy, R. H....	9
Khemchund Hureechund,.... ..	5
Khemchund Moteechund,.. ..	23
Luis, Thomas.....	1
Little, James....	10
Lela Mohun Pasta,....	5
Landon, S....	2
Larkins, J. P	23
Lindsay,.....	22
Le Messurier, A. S.	9
Langford, J. W.... ...	27
Lodwick, Colonel P..... ..	45
Lowjee Muncherjee Wadia,.. ..	23
Loyola Ge Ignacio,.....	1
Merwanjee Dadabhoy Wadia,.. ..	14
Malcolm, Capt. Sir Charles.. ..	10
Moor, Major G.	20
Mackie, Wm....	50
Manockjee Nowrojee,.... ..	10
Morris, W. R.. ..	37
Morgan, E. C..... ..	75
Madoo Narron,.. ..	50
Murphy, R. X.... ..	14
Manockjee Nasserwanjee Petty,.. ..	10
Mainwaring, W.... ..	6
Mant, G. J..... ..	5
Milne, John, Jr,....	21
McLeod, John....	5
McDonald, J. M...	25
Muncherjee Framjee Cama,.. ..	45
Merwanjee Lunjee,....	5
Merwanjee Hormasjee,..... .	5
Muncherjee Burgorjee Mody,.. ..	11
Muncherjee Hormasjee Cama,.. ..	11
Merwanjee Khodabux,.... ..	23
Morgan, Capt. W..	18
Manockjee Cursetjee Jewajee,.... ..	9
McCallum, Wm,....	9
McMahon, Capt. B..	9
Mackinlay, Capt. J. H.. ..	36
Munro, C. G. G.....	1
Munmohun Dass Davidass.. ..	18
Manockjee Cursetjee,.. ..	3
Madowrow Rogoonathjee,.. ..	2
Murray, J...	9
Carried forward,	3240

Brought forward,	3240
Mackenzie, Rebecca	9
Moyle, J. G	9
Malvery, J. J	4
Moyle, Dr. A	9
Manockjee Muncherjee,	1
Manockjee Lunjee,	5
Merwanjee Framjee,	4
Merwanjee Byramjee Luckaree,	1
Merwanjee Aspondiarjee,	9
Miller, John	45
McLennan, John	23
Newport, Capt. C.	50
Nesserwanjee Eduljee Paruck,	2
Nicol, J. D.	25
Nanabhoy Nowrojee,	8
Nesserwanjee Nowrojee,	18
Nowrojee Cowasjee,	2
Nainsey Thackersay,	5
Naylor, Capt. C. J.	2
Norowjee Rustomjee Nadarshaw	4
Owen, H. F.	33
Ogilvie, Col. J.	30
Owen, Mrs. H. F. (her Trustees,)	15
Orton, J.	14
Ord, Capt. Richard.	9
Ottley, W. J.	2
Palanjee Pestonjee,	9
Pollexfen, George,	18
Penley, Capt. G. F.	5
Patch, James	61
Patch, John	5
Powell, Col. Thomas	23
Powell, Col. S.	18
Pestonjee Framjee,	4
PestonjeeCursetjee Cama,	2
Pestonjee Dadabhoy Wadia,	8
Pallonjee Dhumjee,	5
Phillips, J. L.	9
Pestonjee Hormusjee Mama,	5
Pestonjee Hormusjee (Andison,)	5
Pestonjee Hormusjee Santook,	1
Preedy, H. W,	1
Pringle, Capt. A. W.	9
Pooondlick Ramsord Loeny,	1
Palonjee Eduljee,	9
Paul, Capt. G. J. C.	9
Pestonjee Framjee Cowasjee,	9
Pestonjee Rustonjee.	5
Pottinger, Col. Henry	20
Premjeewan Anoopdass,	18
Pew, Major G. L,	68
Prinsep, G. A.	45
Pursotum Das Pranjeewandas,	27
Richmond, F. R.	10
Robertson, Col. Archibald	75
Robertson, Major A. D.	15
Robertson, H. Morris	23
Roberts, Walter	10
Ross, John	18
Ragoonath Crustna Josey.	4
Rowland, Capt. J. H.	23
Rose, Capt, W.	5
Robson, Thomas	1
Rustomjee Sorabjee Mody,	1
Ruttonjee Dadabhoy Cola,	54
Ruttonjee Cursetjee,	3
Rogaba Jeemajee,	5
Rooganath Hurreechundjee,	5
	4229

Brought forward,	4229
Ragoonath Samoo Senoy,	2
Rustomjee Hormusjee Cama,	1
Reynolds, P. A.	9
Santokejee Nanabhoy,	5
Spiller, Major W.	10
Scott, Dr. J.	5
Sprott, Captain W.	14
Swanson, Captain J.	24
Skinner, John	50
Stuart, G. A.	9
Sorabjee Cowasjee,	9
Sinclair, James	40
Simson, Wm.	20
Salter, General James F.	27
Smyttan, George	18
Scott, John	9
Succaram Rugoonath Josey,	2
Sorabjee Rustomjee,	8
Sorabjee Dorabjee,	3
Sapoorjee Sorabjee Patell,	2
Seitz, Mrs. M. A. R.	1
Seton, Captain Bruce	9
Saunders, Captain J.	2
Sorabjee Eduljee Majorna,	3
Sunker Venoo Senoy,	1
Smith, Robert	50
Saunders, Frederick.	3
Savuckloll Virzloll	9
Simson, J. B.	19
Stubbs, W.	9
Stewart, C. S.	23
Stewart, Alexander	5
St. John, Robert	1
Sutherland, G.	4
Torah Suxuma,	5
Tamer, Thomas	4
Turner, Captain W.	4
Tarrachund Vassoonjee,	5
Thomson, W.	27
Truscott, C. H.	45
Tyler, W. H.	18
Valiant, Colonel T.	9
Vaughan, J. Esq.	18
Venerajee Merjee,	14
Vibart, John	18
Wright, J	25
Willoughby, J. P.	25
Wood, Colonel E. M.	20
Wood Colonel E. M. (as Trustee for Mrs. H. Morgan,)	30
Wuckutchund Cooshalchund,	27
Wathen, W. H.	25
Williamson, Thomas	38
Whitehill, Colonel Stephen	18
Wassodew Wissoanathjee,	5
Wittoba Wassodewjee,	1
Watson, H. B.	3
Watson, J. W.	9
Wiltshire, Colonel Thomas	68
Wight, Robert	9
Word, Mary Ann	11
Watkins, F. W.	5
Wilson, J. H. Captain	5
Wilson, P. P. Lieutenant Colonel	2
Waddington. Captain C.	45
Weeks, F, P.	9
Warden, John	9
Young, D. A.	18
Carried forward,	5208

ACT No. IV. OF 1840.

Passed by the Right Hon'ble the Governor General of India in Council, on the 17th February, 1840.

AN Act for preventing Affrays concerning the possession of Land, and for providing relief in cases of forcible dispossession, within the Presidency of Fort William in Bengal.

I. Whereas it is expedient to remove doubts which have arisen upon the interpretation of Regulation XV of 1824, and to amend the Law for preventing Affrays concerning the possession of Land and for giving relief in cases of forcible dispossession, and to extend it to cases not hitherto provided for, and to make it applicable to persons of every class or description, whether British-born subjects or others:

It is hereby enacted, that Regulation XLIX of 1793, Regulation XIV of 1795, Regulation XXXII of 1803. Section 5, Regulation VI of 1813, Regulation XV of 1824, and Regulation II of 1829, of the Bengal Code, together with so much of any Regulations as extends any of the above Regulations or parts of Regulations to any places within the Presidency of Fort William in Bengal, be repealed.

II. And it is hereby enacted, that whenever any Magistrate or other Officer exercising the powers of a Magistrate may be certified that a dispute likely to induce a breach of the peace exists concerning any Land, Premises, Water, Fisheries, Crops, or other produce of Land, within the limits of his jurisdiction, he shall record a proceeding, stating the grounds of his being so certified, and shall call on all parties concerned in such dispute (whether Proprietors, dependent Talookdars, Farmers, Under-Farmers, Ryots or other persons) to attend his Court in person, or by agent, within a reasonable time, and to give in a written statement of their respective claims as respects the fact of actual possession of the subject of dispute. And the Magistrate or other Officer as aforesaid shall, without reference to the merits of the claims of any party to a right of possesssion, proceed to enquire what party was in possession of the subject of dispute when the dispute arose, and after satisfying himself upon that point, shall record a proceeding declaring the party whom he may decide to have been in such possession to be entitled to retain possession, until ousted by due course of Law, and forbidding all disturbance of possession until such time; and if necessary the Magistrate or other Officer as aforesaid shall put such party into possession, and maintain him in possession, until the rights of the parties disputing be determined by a competent Court.

III And it is hereby enacted, that if the Magistrate or other Officer as aforesaid shall, in the cases mentioned in Section II of this Act, be unable to satisfy himself as to what party was in possession of the subject of dispute when the dispute arose, he may attach the subject of dispute until the rights of the parties be determined by a competent Court, giving the Collector information of the attachment; and if the subject of dispute be Land, the provisions of Regulation V of 1827 regarding attachment by order of a Zillah or City Court shall apply to attachments by order of a Magistrate or other Officer as aforesaid made under this Section.

IV. And it is hereby enacted, that if any party shall complain to a Magistrate or other Officer as aforesaid, that he has been without authority of Law forcibly dispossessed of any Land, Premises, Water, Fisheries, Crops, or other produce of Land within the jurisdiction of such Magistrate or other Officer as aforesaid, whether the same were possessed by such party as Proprietor, dependent Talookdar, Farmer, Under-Farmer, Ryot or otherwise, the Magistrate or other Officer as aforesaid shall require the party or parties complained against, and any other parties concerned, to appear and make defence in person or by agent within a reasonable time; and if,

after the examination of the necessary witnesses and documents, the complaint appears to him to be substantiated, he shall record a proceeding, ordering the party complaining to be put again into possession of the subject of dispute, and maintained in possession until the right to possession be determined by a competent Court; provided that no such order shall be passed unless the party complaining of having been so dispossessed prefer his claim within one month from the time of such dispossession.

V. And it is hereby enacted, that if, in cases instituted under this Act, the subject of dispute be newly formed Land, whereof it shall appear to the Magistrate or other Officer as aforesaid that no party has ever had possession, the Magistrate or other Officer as aforesaid thall award possession to the party to whom the right of possession belongs according to law or custom, and shall maintain that party in possession until the right to possession be determined by a competent Court.

VI. And it is hereby enacted, that if a dispute arises concerning the right of use of any Land or Water, the Magistrate or other Officer as aforesaid within whose jurisdiction the subject of dispute lies may enquire into the matter, and if it shall appear to him that the subject of dispute was open to the use of the public or of any person, or of any class of persons, the said Magistrate or other Officer may order that possession thereof shall not be taken or retained by any party to the exclusion of the public, or of such person, or of such class of persons, as the case may be, until the party claiming such possession shall obtain the decision of a competent Court adjudging him to be entitled to such exclusive possession. Provided that the Magistrate or other Officer as aforesaid shall not pass any such order as aforesaid, if the matter be such that the right of use is capable of being exercised at all times of the year, unless that right shall have been ordinarily exercised within three months from the date of the institution of the enquiry, or in cases where the right of use exists at particular seasons, unless such right has been exercised without discontinuance before the dispossession of which complaint is made.

VII. And it is hereby enacted, that any person opposing by force the execution of an order for possession or use, given under this Act, or refusing obedience thereto, or knowingly contravening the same, as long as it shall remain in legal force, shall, together with all persons aiding and abetting, be liable, on conviction before a Magistrate or other Officer with the powers of a Magistrate, to be sentenced to simple imprisonment for a term not exceeding six months, or to fine not exceeding two hundred rupees, commutable, if not paid, to a period of simple imprisonment not exceeding six months, or to both imprisonment and fine as aforesaid.

VIII And it is hereby enacted, that all orders passed under this Act shall be appealable in the usual manner under the Regulations and Laws that are or may be in force relating to appeals from the orders of Magistrates or other Officers exercising the powers of Magistrates.

IX And it is hereby enacted, that in cases instituted under this Act the Magistrate or other Officer as aforesaid is authorized, with the consent of all the parties, to refer the matter in dispute, so far as it is cognizable under this Act, to an arbitrator or arbitrators for decision, whose award shall be executed as if it were the award of such Magistrate or other Officer as aforesaid.

X. And it is hereby provided, that nothing in this Act contained shall affect the legal exercise of any right of attachment or seizure vested by law in any parties.

XI. And it is hereby further provided, that this Act shall not extend to any place beyond the limits of the Presidency of Fort William in Bengal, or to the Settlements of Prince of Wales' Island, Singapore, or Malacca, or to any place situated within the local limits of the jurisdiction of Her Majesty's Supreme Court at Calcutta.

ACT. No. V. OF 1840.

Passed by the Right Hon'ble the Governor General of India in Council, on the 24th of February, 1840.

An Act concerning the Oaths and Declarations of Hindoos and Mahometans.

1. WHEREAS obstruction to justice, and other inconveniences have arisen in consequence of persons of the Hindoo or Mahometan persuasion being compelled to swear by the water of the Ganges, or upon the Koran, or according to other forms which are repugnant to their consciences or feelings;

It is hereby enacted, that except as hereinafter provided, instead of any oath or declaration now authorized or required by law, every individual of the classes aforesaid within the Territories of the East India Company shall make affirmation to the following effect:—

"I solemnly affirm, in the presence of Almighty God, that what I shall state shall be the truth, the whole truth and nothing but the truth."

II. And it is hereby enacted, that if any person making such affirmation as aforesaid shall wilfully and falsely state any matter or thing which if the same had been sworn before the passing of this Act would have amounted to perjury, every such offender shall be subject, in all Courts to the same punishment to which persons convicted of perjury were subject before the passing of this Act.

III. And it is hereby enacted, that any person causing or procuring another to commit the offence defined in the second Section of this Act shall be subject in all Courts to the same punishment to which persons convicted of subornation of perjury were subject before the passing of this Act.

IV. And it is hereby provided, that this Act shall not extend to any Declaration made under the authority of Act No. XXI. of 1837, nor to any Declaration or Affirmation made in any of Her Majesty's Courts of Justice.

ACT No. VI. OF 1840.

Passed by the Right Hon'ble the Governor General of India in Council, on the 2d of March, 1840.

An Act for the Amendment of the Law concerning the negociation of Bills of Exchange.

I. WHEREAS it is expedient to extend to the Territories under the Government of the East India Company the amendments of the Law respecting Bills of Exchanges contained in the Statutes 58 Geo. 3. C. 93—1 and 2 Geo. 4. C. 78—6 and 7 W. 4. C. 58—2 and 3. W. 4. C. 98;

It is hereby enacted, that from and after the first day of May, in the year of our Lord 1840, if any person shall accept a Bill of Exchange payable at any other place than at his own place of residence without further expression in his acceptance, such acceptance shall be deemed and taken to be to all intents and purposes a general acceptance. But if the acceptor shall, in his acceptance, express that he accepts the Bill payable at such other place only, and not otherwise, or elsewhere, such acceptance shall be deemed and taken to be to all intents and purposes, a qualified acceptance of such Bill, and the acceptor shall not be liable to pay such Bill except in default of payment when such payment shall have been duly demanded at such other place.

II. And it is hereby enacted, that after the day and year aforesaid no acceptance of any Bill of Exchange drawn within the Territories of the East India Company, shall be sufficient to charge any person unless such acceptance be in writing on such Bill, or, if there be more than one part of such Bill, on one of the said parts.

III. And it is hereby enacted, that it shall not be necessary to present Bills of Exchange accepted supra protest for honor, or having a reference thereon in case of need to the acceptor or acceptors for honor, or to the referee or referees, until the day following the day on which such Bills of Exchange shall become due, and if the place of address on any such Bill of Exchange of such acceptor or acceptors for honor, or of such referee or referees be other than where such Bill shall therein be made payable, then it shall not be necessary to forward such Bill of Exchange for presentment for payment to such acceptor or acceptors for honor, or referee or referees, until the day following the day on which such Bill of Exchange shall become due.

IV. And it is hereby enacted, that all Bills of Exchange wherein the drawer or drawers thereof shall have expressed that such Bills of Exchange are to be payable in any place other than the place by him or them therein mentioned to be the place of residence of the drawee or drawees thereof, and which shall not on the presentment thereof be accepted, shall or may be, without further presentment to the drawee or drawees protested for non-payment in the place in which such Bills of Exchange shall have been by the drawer or drawers expressed to be payable, unless the amount owing upon such Bills of Exchange shall have been paid to the holder or holders thereof on the day on which such Bill would have become payable had the same been duly accepted.

V. And it is hereby enacted, that no Bill of Exchange or Promissory Note that shall be drawn or made after the passing of this Act shall, though it may have been given for a usurious consideration, or upon a usurious contract, be void in the hands of an Indorsee for valuable consideration, unless such Indorsee had, at the time of discounting or paying such consideration for the same, actual notice that such Bill of Exchange or Promissory Note had been originally given for a usurious consideration, or upon a usurious contract.

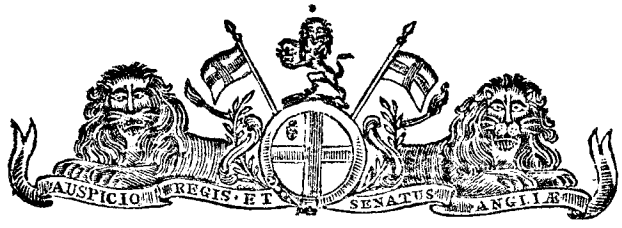
VI. And it is hereby provided, that this Act shall not be construed to extend to affect Bills of Exchange or Promissory Notes, in any case which, but for the passing of this Act, would not be governed by the law of England, or to extend or alter the jurisdiction of any of Her Majesty's Courts of Justice.

ACT No. VII. OF 1840.

Passed by the Right Hon'ble the Governor General of India in Council, on the 30th March, 1840.

AN Act for authorizing the appointment of Uncovenanted Servants to the Offices of Deputy Register and Assistant Register to the Sudder Courts of the Presidency of Fort William in Bengal.

It is hereby enacted, that whenever the Governor of Bengal, and the Lieutenant Governor, or other authority exercising the powers of Lieutenant-Governor of the North-Western Provinces, shall deem it expedient to appoint any persons not being Covenanted Servants, to the Offices of Deputy Register or Assistant Register to the Court of Sudder Dewanny and Nizamut Adawlut at Calcutta and Allahabad respectively, it shall be competent to those Courts to assign to the Officers above named, any duties at present performed by their Registers.



ACT No. VIII. OF 1840.

Passed by the Right Hon'ble the Governor General of India in Council, on the 13th April 1840.

An Act concerning the signing of Awards by the Members of Punchayets.

IT is hereby enacted, that in cases where the minority of the Members of a Punchayet, held under the Provisions of the Madras Code, may decline to sign the award of the Punchayet, the signature or mark of the majority shall be sufficient to give legal validity to the award. Provided always, that in such cases, it shall be incumbent on such majority to admit the minority to record and attest by their mark or signature their reasons for declining to sign or mark the award passed by the majority.

ACT No. IX OF 1840.

Passed by the Right Hon'ble the Governor General of India in Council, on the 20th April, 1840.

AN Act for amending the law administered in Her Majesty's Courts of Justice with reference to Arbitrations, Damages, and interested Witnesses.

I. Whereas it is expedient to extend to the Territories of the East India Company certain provisions of the Statute 3d and 4th William IV. Chap. 42, whereby remedies have been applied for the uncertainty and imperfections heretofore incident to Arbitrations, for the insufficient damages to which injured parties were limited by the technical forms of certain actions, and for the obstruction to justice frequently occasioned by reason of the legal incompetency of witnesses to give evidence in consequence of having some interest in the event of the suit to which their testimony relates;

It is hereby enacted, that, in order to render the rejection of Witnesses on the ground of interest less frequent, if any Witness shall be objected to in any of Her Majesty's Courts of Justice as incompetent on the ground that the verdict or judgment in the action on which it shall be proposed to examine him would be admissible in evidence for or against him, such Witness shall nevertheless be examined, but in that case a verdict or judgment in that action in favor of the party on whose behalf he shall have been examined shall not be admissible in evidence for him or any one claiming under him, nor shall a verdict or judgment against the party on whose behalf he shall have been examined be admissible in evidence against him or any one claiming under him. 3 and 4. W. 4. C. 42. Sec. 26.

II. And it is hereby enacted, that the Court on the trial of any issue, or on any inquiry of damages, in any suit before any of Her Majesty's Courts of Justice may, if it shall think fit, give damages in the nature of interest over and above the value of the Goods at the time of the conversion or seizure in all actions of trover or trespass de bonis asportatis and over and above the money recoverable in all actions on policies of assurance made after the passing of this Act. 3 and 4. W. 4. C. 42, Sec. 29.

III. And it is hereby enacted, that the power and authority of any Arbitrator or Umpire appointed by or in pursuance of any rule of Court, or Judge's order, or order of reference, in any action now brought, or which shall be hereafter brought, or by or in pursuance of any submission to reference containing an agreement that such submission shall be made a rule of any of Her Majesty's Courts, shall not be revocable by any party to such reference without the leave of the Court by which such rule or order shall be made, or which shall be mentioned in such submission, or by leave of a Judge, and the Arbitrator or Umpire shall and may, and is hereby required to proceed with the reference notwithstanding any such revocation, and to make such award, although the person making such revocation shall not afterwards attend the reference, and that the Court, or any Judge thereof may from time to time enlarge the term for any such Arbitrator making his award. 3 and 4. W. 4. C. 42. Sec. 39.

IV. And it is hereby enacted, that when any reference shall have been made by any such rule or order as aforesaid, or by any submission containing such agreement as aforesaid, it shall be lawful for the Court by which such rule or order shall be made, or which shall be mentioned in such agreement, or for any Judge by rule or order to be made for that purpose to command the attendance and examination of any person to be named, or the production of any documents to be mentioned in such rule or order, and the disobedience to any such rule or order shall be deemed a contempt of Court, if, in addition to the service of such rule or order, an appointment of the time and place of attendance in obedience thereto, signed by one at least of the Arbitrators, or by the Umpire, before whom the attendance is required, shall 3 and 4. W. 4. C. 42. Sec. 40.

also be served either together with or after the service of such Rule or Order: Provided always, that every person whose attendance shall be so required, shall be entitled to the like conduct money and payment of expences, and for loss of time as for and upon attendance at any trial: Provided also, that the application made to such Court or Judge for such Rule or Order shall set forth the place where such Witness is residing at the time, or satisfy such Court or Judge that such person cannot be found: Provided also, that no person shall be compelled to produce under any such Rule or Order any writing or other document that he would not be compelled to produce at a trial, or to attend at more than two consecutive days to be named in such Order.

3 and 4. W. 4. C. 42. Sec. 41.

V. And it is hereby enacted, that when in any Rule or Order of reference, or in any submission to arbitration containing an agreement that the submission shall be ordered or agreed that the Witnesses upon such reference shall be examined upon oath, it shall be lawful for the Arbitrators or Umpire, or any one Arbitrator, and he or they are hereby authorized and required to administer an oath to such Witnesses, or to take their affirmation in cases where affirmation is allowed by law instead of oath, and if upon such oath or affirmation any person making the same shall wilfully and corruptly give any false evidence, every person so offending shall be deemed and taken to be guilty of perjury, and shall be prosecuted and punished accordingly.

VI. And it is hereby enacted, that this Act shall take effect in Calcutta from the day of its passing, and at Madras and Bombay after the expiration of thirty days from such day, and in the Straits Settlements after the expiration of sixty days from such day.

ACT No. X. OF 1840.

Passed by the Right Hon'ble the Governor General of India in Council, on the 20th April, 1840.

AN Act for the abolition of certain Pilgrim Taxes, and for the superintendence of the Temple of Juggernath.

I. Whereas it is considered proper to abolish the exaction of all Taxes or Fees upon Pilgrims resorting to Allahabad, Gya, and Juggernath, and to transfer the charge of the affairs of the Juggernath Temple exclusively to a competent Hindoo Superintendent, under a full responsibility to the established Courts of Justice, for the redress of any violence or wrong, upon the application of any party interested;

It is hereby enacted, that so much of Section 31, Regulation XII. of 1805, as provides for the continuance of the duties levied from Pilgrims at Juggernath;

So much of Section 4, Regulation XXVII. of 1793 as provides for the continuance of the duties levied on Pilgrims at Gya and other places of Pilgrimage;

Reg. IV. of 1806;

Reg. V. of 1806;

Sec. 9, Reg. VI. of 1808;

Reg. IV. of 1809;

Sec. 4, Reg. IV. of 1810;

Reg. XI. of 1810, and

Reg. XVIII. of 1810,

are repealed.

II. And it is hereby enacted, that the superintendence of the Temple of Juggernath, and its interior economy, the conduct and management of its affairs, and the control over the Priests, Officers, and Servants attached to the Temple, shall continue vested in the Rajah of Khoorda for the time being; provided always, that the said Rajah, and all persons connected with the said Temple shall on all occasions be guided by the recorded rules and institutions of the Temple, or by ancient and established usage, so far as the same may be consistent with the Provisions of this Act.

III. And it is hereby enacted, that the said Rajah of Khoorda shall not receive or allow to be received by any person connected with the said Temple, any payment, other than such voluntary donations as may be freely offered, from any person resorting to the said Temple, for the performance of religious ceremonies.

IV. And it is hereby declared and enacted, that the said Rajah, and all Priests, Officers, and Servants attached to the said Temple, are, and shall be liable to be sued or prosecuted by any party interested, in any Civil or Criminal Court of competent jurisdiction, for any breach of trust, or official misfeasance, committed in the conduct of their duties, or for any extortion or illegal violence exercised upon Pilgrims or others under color of the authority conveyed by this Act.

ACT No. XI. OF 1840.

Passed by the Right Hon'ble the Governor General of India in Council, on the 20th April, 1840.

AN Act for the Presidency of Bombay, amending the law concerning Prisoners sentenced to labor or solitude.

I. It is hereby enacted, in modification of Clause 2, Section XLV. Regulation XIII. of 1827, of the Bombay Code, that no Prisoner confined in any part of the Provinces under the Presidency of Bombay shall be forced to labor in any manner or be confined solitarily, unless such labor or solitary confinement be expressly directed by the sentence of the Court under whose warrant he is confined ; and no Prisoner shall be forced to labor or be confined solitarily otherwise than according to his sentence.

II. And it is hereby enacted, in modification of Clause 1, Section VII. Regulation XIV. of 1829, of the Bombay Code, that wherever under the Laws in force under that Presidency a Prisoner may be sentenced to imprisonment with labor, it shall be lawful for the Court pronouncing such sentence to direct, that solitary confinement be combined with the punishment of imprisonment with labor.

III. And it is hereby provided, that nothing in this Act contained shall be construed to be applicable to Convicts undergoing the punishment of transportation, or to legal restraint or punishment for breaches of prison discipline,

ACT No. XII. OF 1840.

Passed by the Right Hon'ble the Governor General of India in Council, on the 8th of June, 1840.

AN Act for extending Act XII. of 1839 (relating to the assessment of dwelling houses and buildings within and beyond the limits of the Towns of George Town, Singapore and Malacca) to grounds not covered with houses or buildings.

I. It is hereby enacted, that from the 1st day of January, in the year of our Lord 1841, an assessment shall be levied on all lands not covered with houses or buildings within the limits of the Towns of George Town, Singapore and Malacca, according to the real annual values thereof at a rate not exceeding ten per cent. of such annual values.

II. And it is hereby enacted, that from the day aforesaid an assessment shall be levied on all property of the nature described in the foregoing section, but which shall be situated beyond the limits of the aforesaid Towns at a rate not exceeding five per cent. on the annual rent or value thereof.

III. And it is hereby enacted and provided, that any property which would be subject to assessment as aforesaid, of which the real annual value shall be less than ten Spanish Dollars, shall be exempted from such assessment, if it be the sole assessable property of the owner.

IV. And it is hereby enacted, that all the provisions of Act No. XII. of 1839, applicable to the assessment of houses and buildings, shall be applied to the assessment of grounds not covered by houses or buildings, and which are subjected to assessment by this Act.

ACT No. XIII. OF 1840.

Passed by the Right Hon'ble the Governor General of India in Council, on the 29th of June 1840.

AN Act for the amendment of the Law regarding Factors, by extending to the territories of the East India Company, in cases governed by English law, the provisions of the Statute 4 Geo. IV. Ch. 83 as altered and amended by the Statute 6 Geo. 4 Ch. 94.

It is hereby enacted, that the Statute of the 4 Geo. IV. Cap. 83 as altered and amended by the Statute of 6 Geo. IV. Ch. 94, shall be extended to the territories of the East India Company; provided always that this Act shall not be construed to affect any case which would not have been governed by the Law of England before the passing of the aforesaid Statutes if this Act had not passed; or to extend or alter the jurisdiction of any of Her Majesty's Courts of Justice.

The Statutes hereby extended to the Territories of the East India Company are as follows.

4 GEO. IV. CAP. 83.

An Act for the better protection of the Property of Merchants and others, who may hereafter enter into Contracts or Agreements in relation to Goods, Wares, or Merchandizes, intrusted to Factors or Agents. (18th July, 1823.)

"Whereas it has been found that the Law, as it now stands, relating to Goods shipped in the names of persons who are not the actual Proprietors thereof and to the deposit or pledge of Goods, affords great facility to fraud, produces frequent litigation, and proves, in its effects, highly injurious to the interests of Commerce in general;" Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act, any person or persons intrusted, for the purpose of sale, with any Goods, Wares, or Merchandize, and by whom such Goods, Wares, or Merchandize shall be shipped, in his, her or their own name or names, or in whose name or names any Goods, Wares, or Merchandize shall be shipped by other person or persons, shall be deemed and taken to be the true Owner or Owners thereof, so far as to entitle the Consignee or Consignees of such Goods, Wares and Merchandize to a lien thereon, in respect of any money or negotiable security or securities advanced or given by such Consignee or Consignees to or for the use of the person or persons in whose name or names such Goods, Wares, or Merchandize shall be shipped, or in respect of any money or negotiable security or securities received by him, her or them to the use of such Consignee or Consignees, in the like manner to all intents and purposes as if such person or persons was or were the true Owner or Owners of such Goods, Wares and Merchandize; provided such Consignee or Consignees shall not have notice, by the Bill of Lading for the delivery of such Goods, Wares or Merchandize or otherwise, at or before the time of any advance of such money or negotiable security, or of such receipt of money or negotiable security in respect of which such lien is claimed, that such person or persons so shipping in his, her or their own name or names, or in whose name or names any Goods, Wares or Merchandize shall be shipped by any person or persons, is or are, not the actual and *bonâ fide* Owner or Owners, Proprietor or Proprietors of such Goods, Wares and Merchandize so shipped as aforesaid, any law, usage or custom to the contrary thereof in any wise notwithstanding: Provided also, that the person or persons in whose name or names any such Goods, Wares or Merchandize are so shipped as aforesaid, shall be taken for the purposes of this Act to have been intrusted therewith, unless the contrary thereof shall appear or be shewn in evidence by any person disputing such fact.

Persons, in whose names Goods shall be shipped, shall be deemed the Owners, so as to entitle Consignees to a lien thereon as herein mentioned.

Any person may take Goods or Bill of Lading in deposit from Consignee, but shall not acquire any further right than Consignee possessed.

II. And be it further enacted, that it shall be lawful to and for any person or persons, body or bodies, politic or corporate, to accept and take any Goods, Wares or Merchandize, or the Bill or Bills of Lading for the delivery thereof, in deposit or pledge from any Consignee or Consignees thereof; but then and in that case such person or persons, body or bodies, politic or corporate, shall acquire no further or other right, title or interest, in, or upon or to the said Goods, Wares or Merchandize, or any Bill of Lading for the delivery thereof than was possessed, or could or might have been enforced by the said Consignee or Consignees at the time of such deposit or pledge as a security as aforesaid: but such person or persons, body or bodies, politic or corporate, shall and may acquire, possess and enforce such right, title, or interest, as was possessed and might have been enforced, by such Consignee or Consignees at the time of such deposit or pledge as aforesaid, any rule of law, usage or custom to the contrary notwithstanding.

Right of Owner to follow his Goods while in the hands of his Agent or of his Assignees in case of Bankruptcy, or to recover them from Assignees, &c. upon paying his advances secured upon them, &c.

III. Provided always, that nothing herein contained shall be deemed, construed, or taken to deprive or prevent the true Owner or Owners, Proprietor or Proprietors of such Goods, Wares or Merchandize, from demanding and recovering the same from his, her, or their Factor or Factors, Agent or Agents, before the same shall have been so deposited or pledged, or from the Assignee or Assignees of such Factor or Factors, Agent or Agents, in the event of his, her, or their Bankruptcy; nor to prevent any such Owner or Owners, Proprietor or Proprietors, from demanding or recovering of, and from any person or persons, or of or from the Assignees of any person or persons in case of his or her bankruptcy, or of or from any body or bodies, politic or corporate, such Goods, Wares, or Merchandize so consigned, deposited, or pledged, upon repayment of the money or on restoration of the negotiable security or securities, or on payment of a sum of money equal to the amount of such security or securities, for which money or negotiable security or securities such person or persons, his, her, or their Assignee or Assignees, or such body or bodies, politic or corporate, may be entitled to any lien upon such Goods, Wares, or Merchandize, nor to prevent the said Owner or Owners, Proprietor or Proprietors, from recovering of and from such person or persons, body or bodies, politic or corporate, any balance or sum of money remaining in his, her, or their hands, as the produce of the sale of such Goods, Wares, or Merchandize, after deducting thereout the amount of the money or negotiable security or securities so advanced or given upon the security thereof as aforesaid. Provided always, that in case of the bankruptcy of such Factor or Agent, the Owner of the Goods so pledged and redeemed as aforesaid, shall be held to have discharged *protanto* the debt due by him to the Bankrupt's estate.

Proviso as to bankruptcy of Factor.

6TH GEO. IV. CAP. 94.

An Act to alter and amend an Act for the better protection of the Property of Merchants and others, who may hereafter enter into Contracts or Agreements in relation to Goods, Wares, or Merchandizes intrusted to Factors or Agents.

4 Geo 4. C. 83.

Whereas an Act passed in the fourth year of the Reign of His present Majesty, intituled *an Act for the better protection of the Property of Merchants and others, who may hereafter enter into contracts or agreements in relation to Goods, Wares, or Merchandize intrusted to Factors or Agents*: And whereas it is expedient to alter and amend the said Act, and to make further provisions in relation to such contracts or agreements, as hereinafter provided: Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act, any person or persons intrusted for the purpose of consignment or of sale, with any Goods, Wares, or Merchandize, and who shall have shipped such Goods, Wares, or Merchandize in his, her or their own name or names, and any person or persons in whose name or names any Goods, Wares, or Merchandize shall be shipped by any other person or persons, shall be deemed and taken to be the true Owner or Owners thereof, so far as to entitle the Consignee or Consignees of such Goods, Wares, and Merchandize to a lien thereon, in respect of any money or negotiable security or securities advanced or given by such Consignee or Consignees to or for the use of the person or persons in whose name or names such Goods, Wares, or Merchandize shall be shipped, or in respect of any money or negotiable security or securities received by him, her, or them, to the use of such Consignee or Consignees, in the like manner to all intents and purposes as if such person or persons was or were the true Owner or Owners of such Goods, Wares,

Factors or Agents having Goods or Merchandize in their possession, shall be deemed to be true Owners, so as to give validity to contracts with persons dealing bonâ fide upon the faith of such property.

and Merchandize, provided such Consignee or Consignees shall not have noticed by the Bill of Lading for the delivery of such Goods, Wares or Merchandize, or otherwise, at or before the time of any advance of such money or negotiable security, or of such receipt of money or negotiable security, in respect of which such lien is claimed, that such person or persons so shipping in his, her, or their own name or names, or in whose name or names any Goods, Wares, or Merchandize shall be shipped by any person or persons, is or are not the actual and *bonâ fide* Owner or Owners, Proprietor or Proprietors of such Goods, Wares, and Merchandize so shipped as aforesaid, any law, usage, or custom to the contrary thereof in any wise notwithstanding: provided also, that the person or persons in whose name or names any such Goods, Wares, or Merchandize are so shipped as aforesaid, shall be taken, for the purpose of this Act, to have been intrusted therewith for the purpose of consignment or of sale, unless the contrary thereof shall be made to appear by bill of discovery or otherwise, or be made to appear, or be shown in evidence by any person disputing such fact.

Persons in possession of Bills of Lading, &c., to be the Owners so far as to make valid contracts.

II. And be it further enacted, that from and after the First day of *October* one thousand eight hundred and twenty-six, any person or persons intrusted with and in possession of any Bill of Lading, *India* Warrant, Dock Warrant, Warehouse Keeper's Certificate, Wharfinger's Certificate, Warrant or Order for delivery of Goods, shall be deemed and taken to be the true Owner or Owners of the Goods, Wares, and Merchandize described and mentioned in the said several documents hereinbefore stated respectively, or either of them, so far as to give validity to any contract or agreement thereafter to be made or entered into by such person or persons so intrusted and in possession as aforesaid, with any person or persons, body or bodies, politic or coporate, for the sale or disposition of the said Goods, Wares, and Merchandize, or any part thereof, or for the deposit or pledge thereof, or any part thereof, as a security for any money or negotiable instrument or instruments advanced or given by such person or persons, body or bodies, politic or corporate, upon the faith of such several documents or either of them; provided such person or persons, body or bodies, politic or corporate, shall not have noticed by such documents or either of them, or otherwise, that such person or persons so intrusted as aforesaid is or are not the actual and *bonâ fide* Owner or Owners, Proprietor or Proprietors of such Goods, Wares or Merchandize so sold or deposited or pledged as aforesaid; any law, usage, or custom to the contrary thereof in anywise notwithstanding.

No person to acquire a security upon Goods in the hands of an Agent for an antecedent debt, beyond the amount of the Agent's interest in the Goods.

III. Provided always, and be it further enacted, that in case any person or persons, body or bodies, politic or corporate, shall, after the passing of this Act, accept and take any such Goods, Wares, or Merchandize in deposit or pledge from any such person or persons so in possession and intrusted as aforesaid, without notice as aforesaid, as a security for any debt or demand due and owing from such person or persons so intrusted and in possession as aforesaid, to such person or persons, body or bodies, politic or corporate, before the time of such deposit or pledge, then and in that case such person or persons, body or bodies, politic or corporate, so accepting or taking such Goods, Wares, or Merchandize in deposit or pledge, shall acquire no further or other right, title or interest in or upon or to the said Goods, Wares, or Merchandize, or any such document as aforesaid than was possessed, or could or might have been enforced by the said person or persons so possessed and intrusted as aforesaid, at the time of such deposit or pledge as a security as last aforesaid; but such person or persons, body or bodies, politic or corporate, so accepting or taking such Goods, Wares or Merchandize in deposit or pledge, shall and may acquire, possess, and enforce such right, title, or interest as was possessed and might have been enforced by such person or persons so possessed and intrusted as aforesaid; any rule of law, usage, or custom to the contrary notwithstanding.

Persons may contract with known Agents in the ordinary course of business or out of that course if within the Agent's authority.

IV. And be it further enacted, that from and after the first day of *October* one thousand eight hundred and twenty-six, it shall be lawful to and for any person or persons, body or bodies, politic or corporate, to contract with any Agent or Agents, intrusted with any Goods, Wares, or Merchandize, or to whom the same may be consigned, for the purchase of any such Goods, Wares, and Merchandize, and to receive the same of and pay for the same to such Agent or Agents; and such contract and payment shall be binding upon and good against the Owner of such Goods, Wares, and Merchandize, notwithstanding such person or persons, body or bodies, politic or corporate, shall have notice that the person or persons making and entering into such contract, or on whose behalf such contract is made or entered into, is an Agent or Agents, provided such contract and payment be made in the usual and ordinary course of business, and that such person or persons, body or bodies, politic or corporate, shall not, when such contract is entered into or payment made, have notice that such Agent or Agents is or are not authorized to sell the said Goods, Wares, and Merchandize, or to receive the said purchase money.

Persons may accept and take Goods, &c. in pledge from known Agents; but in that case shall acquire no further interest than was possessed by such Agent at the time of such pledge.

V. And be it further enacted, that from and after the passing of this Act, it shall be lawful to and for any person or persons, body or bodies, politic or corporate, to accept and take any such Goods, Wares, or Merchandize, or any such document as aforesaid, in deposit or pledge from any such Factor or Factors, Agent or Agents, notwithstanding such person or persons, body or bodies, politic or corporate, shall have such notice as aforesaid, that the person or persons making such deposit or pledge is or are a Factor or Factors, Agent or Agents; but then and in that case such person or persons, body or bodies, politic or corporate, shall acquire no further or other right, title, or interest in or upon or to the said Goods, Wares, or Merchandize, or any such document as aforesaid, for the delivery thereof, than was possessed or could or might have been enforced by the said Factor or Factors, Agent or Agents, at the time of such deposit or pledge as a security as last aforesaid; but such person or persons, body or bodies, politic or corporate, shall and may acquire, possess, and enforce such right, title, or interest as was possessed and might have been enforced by such Factor or Factors, Agent or Agents, at the time of such deposit or pledge as aforesaid; any rule of law, usage or custom to the contrary notwithstanding.

Right of the true Owner to follow his Goods while in the hands of his Agent or of his Assignee in case of bankruptcy, or to recover them from a third person, upon paying his advances secured upon them.

VI. Provided always, and be it enacted, that nothing herein contained shall be deemed, construed, or taken to deprive or prevent the true Owner or Owners, or Proprietor or Proprietors of such Goods, Wares, or Merchandize, from demanding and recovering the same from his, her, or their Factor or Factors, Agent or Agents, before the same shall have been so sold, deposited, or pledged, or from the Assignee or Assignees of such Factor or Factors, Agent or Agents, in the event of his, her, or their bankruptcy; nor to prevent such Owner or Owners, Proprietor or Proprietors, from demanding or recovering of and from any person or persons, body or bodies, politic or corporate, the price or sum agreed to be paid for the purchase of such Goods, Wares, or Merchandize, subject to any right of set off on the part of such person or persons, body or bodies, politic or corporate, against such Factor or Factors, Agent or Agents; nor to prevent such Owner or Owners, Proprietor or Proprietors, from demanding or recovering of and from such person or persons, body or bodies, politic or corporate, such Goods, Wares, or Merchandize so deposited or pledged, upon repayment of the money, or on restoration of the negotiable instrument or instruments so advanced or given on the security of such Goods, Wares, or Merchandize as aforesaid, by such person or persons, body or bodies, politic or corporate, to such Factor or Factors, Agent or Agents; and upon payment of such further sum of money, or on restoration of such other negotiable instrument or instruments (if any) as may have been advanced or given by such Factor or Factors, Agent or Agents, to such Owner or Owners, Proprietor or Proprietors, or on payment of a sum of money equal to the amount of such instrument or instruments; nor to prevent the said Owner or Owners, Proprietor or Proprietors, from recovering of and from such person or persons, body or bodies, politic or corporate, any balance or sum of money remaining in his, her, or their hands, as the produce of the sale of such Goods, Wares, or Merchandize, after deducting thereout the amount of the money or negotiable instrument or instruments so advanced or given upon the security thereof as aforesaid: Provided always, that in case of the bankruptcy of any such Factor or Agent, the Owner or Owners, Proprietor or Proprietors of the Goods, Wares, and Merchandize so pledged and remeemed as aforesaid, shall be held to have discharged *pro tanto* the debt due by him, her, or them to the Estate of such bankrupt.

In case of bankruptcy of Factor, the Owner of Goods so pledged and redeemed shall be held to have discharged pro-tanto the debt due from him to Bankrupt.

Agents fraudulently pledging the Goods of their Principals deemed guilty of a misdemeanor.

VII. And whereas it is expedient to prevent the improper deposit or pledge of Goods, Wares, or Merchandize, or the documents relating to such Goods, Wares, or Merchandize, intrusted or consigned as aforesaid to Factors or Agents; be it therefore enacted, that if any such Factors or Agents, at any time from and after the said first day of *October*, one thousand eight hundred and twenty-six shall deposit or pledge any Goods, Wares, or Merchandize, intrusted or consigned as aforesaid to his or her care or management, or any of the said several documents so possessed or intrusted as aforesaid, with any person or persons, body or bodies, politic or corporate, as a security for any money or negotiable instrument or instruments borrowed or received by such Factor or Agent, and shall apply or dispose thereof to his or her own use, in violation of good faith, and with intent to defraud the Owner or Owners of any such Goods, Wares, or Merchandize, every person so offending, in any part of the United Kingdom, shall be deemed and taken to be guilty of a misdemeanor, and being convicted thereof according to law, shall be sentenced to transportation for any term not exceeding fourteen years, or to receive such other punishment as may by law be inflicted on persons guilty of a misdemeanor, and as the Court before whom such offender may be tried and convicted shall adjudge.

May be transported not exceeding fourteen years, &c.

VIII. Provided always, and be it further enacted, that nothing herein contained shall extend or be construed to extend to subject any person or persons to prosecution, for having deposited or pledged any Goods, Wares, or Merchandize so intrusted or consigned to him, her or them, provided the same shall not be made a security for or subject to the payment of any greater sum or sums of money than at the time of such deposit or pledge was justly due, and owing to such person or persons from his, her, or their principal or principals: Provided nevertheless that the Acceptances of Bills of Exchange by such person or persons drawn by or on account of such principal or principals, shall not be considered as constituting any part of such debts so due, and owing from such principal or principals within the true intent and meaning of this Act, so as to excuse the consequence of such a deposit or pledge, unless such Bills shall be paid when the same shall respectively become due.

Not to extend to cases in which the Agent has not made the Goods a security for any sum beyond the extent of his own lien.

Acceptances of Bills by an Agent not to create a lien so as to excuse the pledge, unless the Bills are paid when due.

IX. Provided also, and be it further enacted, that the penalty by this Act annexed to the commission of any offence intended to be guarded against by this Act, shall not extend or be construed to extend to any partner or partners or other person or persons of or belonging to any partnership, society, or firm, except only such partner or partners, person or persons, as shall be accessary or privy to the commission of such offence; any thing herein contained to the contrary in any wise notwithstanding.

Act not to extend to partners not being privy to the offence.

X. Provided also, and be it further enacted, that nothing in this Act contained, nor any proceeding, conviction, or judgment to be had or taken thereupon, shall hinder, prevent, lessen, or impeach any remedy at Law or in Equity, which any party or parties aggrieved by any offence against this Act might or would have had or have been entitled to against any such offender if this Act had not been made, nor any proceeding, conviction, or judgment had been had or taken thereupon; but nevertheless, the conviction of any offender against this Act shall not be received in evidence in any action at law or suit in Equity against such offender: And further, that no person shall be liable to be convicted by any evidence whatever as an offender against this Act, in respect of any act, matter, or thing done by him, if he shall at any time previously to his being indicted for such offence have disclosed any such matter or thing on oath under or in consequence of any compulsory process of any Court of Law or Equity, in any action, suit, or proceeding, in or to which he shall have been a party, and which shall have been *bonâ fide* instituted by the party aggrieved by the act, matter or thing, which shall have been committed by such offender aforesaid.

Act not to lessen any remedy at Law or Equity which the party aggrieved may be entitled to adopt.

ACT No. XIV. OF 1840.

Passed by the Right Hon'ble the Governor General of India in Council, on the 29th of June, 1840.

AN Act for rendering a written Memorandum necessary to the validity of certain promises and engagements by extending to the Territories of the East India Company, in cases governed by English Law the Provisions of the Statute 9, Geo. IV. Ch. XIV.

It is hereby enacted, that the Statute 9, Geo. IV. Ch. XIV. shall be extended to the Territories of the East India Company; provided always, that this Act shall not be construed to affect any case, which would not have been governed by the Law of England before the passing of the aforesaid Statute, if this Act had not passed; or to extend or alter the jurisdiction of any of Her Mejesty's Courts of Justice.

The Statute hereby extended to the Territories of the East India Company is as follows (the sum of £10 mentioned therein to be deemed 100 Rupees in the application of the Statute to the aforesaid Territories.)

9TH GEO. IV. CAP. XIV.

An Act for rendering a written Memorandum necessary to the validity of certain Promises and Engagements.

9th May, 1828.

Whereas by an Act passed in England in the twenty-first year of the reign of King James the First, it was, among other things, enacted, that all actions of account and upon the case, other than such accounts as concern the trade of merchandize between Merchant and Merchant, their Factors or Servants, all actions of debt grounded upon any lending or contract without specialty, and all actions of debt for arrearages of rent, should be commenced within three years after the end of the then present Session of Parliament, or within six years next after the cause of such actions or suit, and not after. And whereas a similar Enactment is contained in an Act passed in Ireland in the tenth year of the reign of King Charles the First, and whereas various questions have arisen in actions founded on simple contract, as to the proof and effect of acknowledgments and promises offered in evidence for the purpose of taking cases out of the operation of the said Enactments; and it is expedient to prevent such questions and to make provision for giving effect to the said Enactments and to the intention thereof. Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same. That in actions of debt or upon the case grounded upon any simple contract no acknowledgment or promise by words only shall be deemed sufficient evidence of a new or continuing contract, whereby to take any case out of the operation of the said Enactments, or either of them, or to deprive any party of the benefit thereof, unless such acknowledgment or promise shall be made or contained by or in some writing to be signed by the party chargeable thereby, and that where there shall be two or more Joint Contractors, or Executors or Administrators of any Contractor no such Joint Contractor, Executor, or Administrator shall lose the benefit of the said Enactments, or either of

English Act 21. Jas. I. C. 16.

Irish Act 10. Car. I. Sess. 2, C. 6.

In actions of debt or upon the case, no acknowledgment shall be deemed sufficient unless it be in writing, or by part payment.

Joint Contractors.

them, so as to be chargeable in respect or by reason only by any written acknowledgment or promise made and signed by any other or others of them. Provided always, that nothing herein contained shall alter or take away or lessen the effect of any payment of any principal or interest made by any person whatesóver. Provided also, that in actions to be commenced against two or more such Joint Contractors, or Executors or Administrators, if it shall appear at the trial or otherwise that the Plaintiff, though barred by either of the said recited Acts or this Act, as to one or more of such Joint Contractors, or Executors or Administrators, shall nevertheless be entitled to recover against any other or others of the Defendants, by virtue of a new acknowledgment or promise, or otherwise judgment may be given and costs allowed for the Plaintiff as to such Defendant or Defendants against whom he shall recover, and for the other Defendant or Defendants against the Plaintiff.

Proviso for the case of Joint Contractors.

Pleas in Abatement.

II. And be it further enacted, that if any Defendant or Defendants in any action on any simple contract shall plead any matter in abatement, to the effect that any other person or persons ought to be jointly sued and issue be joined on such plea, and it shall appear at the trial that the action could not, by reason of the said recited Acts, or this Act, or of either of them, be maintained, against the other person or persons named in such plea, or any of them, the issue joined on such plea shall be found against the party pleading the same.

Indorsements of Payment.

III. And be it further enacted, that no Indorsement or Memorandum of any payment written or made after the time appointed for this Act to take effect, upon any Promissory Note, Bill of Exchange, or other writing by or on the behalf of the party to whom such payment shall be made, shall be deemed sufficient proof of such payment so as to take the case out of the operation of either of the said Statutes.

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Simple Contract debts alleged by way of set off.

IV. And be it further enacted, that the said recited Acts and this Act shall be deemed and taken to apply to the case of any debt on simple contract alleged by way of set-off on the part of any Defendant, either by plea, notice, or otherwise.

Confirmation of promises made by Infants.

V. And be it further enacted, that no action shall be maintained whereby to charge any person upon any promise made after full age to pay any debt contracted during infancy, or upon any ratification after full age of any promise or simple contract made during infancy, unless such promise or ratification shall be made by some writing signed by the party to be charged therewith.

Representations of character.

VI. And be it further enacted, that no action shall be brought whereby to charge any person upon or by reason of any representation or assurance made or given, concerning or relating to the character, conduct, credit, ability, trade or dealings of any other person, to the intent or purpose that such other person may obtain credit, money, or goods upon, unless such representation or assurance be made in writing, signed by the party to be charged therewith.

29 Car. 2, C. 3.

VII. And whereas by an Act passed in England in the twenty-ninth year of the reign of King Charles the Second, intituled an Act for the prevention of Frauds and Perjuries, it is, among other things enacted, that from and after the twenty-fourth day of June one thousand six hundred and seventy-seven, no contract for the sale of any goods, wares and merchandizes, for the price of ten pounds sterling or upwards, shall be allowed to be good except the buyer shall accept part of the goods so sold, and actually receive the same, or give something in earnest to bind the bargain, or in part of payment; or that some note or memorandum in writing of the said bargain be made and signed by the parties to be charged by such contract, or their Agents thereunto lawfully authorized. And whereas a similar Enactment is contained in an Act passed in Ireland in the seventh year of the reign of King William the Third. And whereas it has been held that the said recited Enactments do not extend

Irish Act 7. W. 3. C. 12.

to certain executory contracts for the sale of goods, which nevertheless are within the mischief thereby intended to be remedied; and it is expedient to extend the said Enactments to such executory contracts; be it enacted, that the said Enactments shall extend to all contracts for the sale of goods of the value of ten pounds sterling and upwards, notwithstanding the goods may be intended to be delivered at some future time, or may not at the time of such contract be actually made, procured or provided, or fit or ready for delivery, or some Act may be requisite for the making or completing thereof, or rendering the same fit for delivery.

Power of recited Acts extended to Contracts for Goods of 10£ or upwards although the delivery be not made.

VIII. And be it further enacted, that no memorandum or other writing made necessary by this Act shall be deemed to be an agreement within the meaning of any Statute relating to the duties of Stamps.

Memorandum exempted from Stamps.

ACT No. XV. OF 1840.

Passed by the Right Hon'ble the Governor General of India in Council, on the 29th of June, 1840.

AN Act for extending Regulations XV. of 1827, and XIII. of 1830, of the Bombay Code, to the Agents of Foreign Sovereigns.

It is hereby enacted, that the provisions of Regulations XV. of 1827 and XIII. of 1830, of the Bombay Code, be made applicable to the Agents of Foreign Sovereigns having lands and possessions in the British Territory of the Bombay Presidency, and to guardians and such other individuals as the Governor in Council of Bombay may consider it expedient to invest with the powers contained in the aforesaid Regulations; provided that in all cases the authority conferred shall be revocable at the discretion of the Governor in Council of Bombay.

ACT No. XVI. OF 1840.

Passed by the Right Hon'ble the Governor General of India in Council, on the 3rd of August, 1840.

An Act concernig the management of Convicts transported to places within the Territotories of the East India Company.

WHEREAS doubts have arisen touching the legal mode of treating Convicts transported to places within the territories of the East India Company, and it is expedient to modify the rules which have heretofore been followed with regard to the management of such Convicts;

It is hereby declared and enacted, that as soon as any offender shall be delivered to the person or persons to be appointed by the Governor General in Council on that behalf at the place to which he is transported, the property in the service of such offender shall be vested in such person or persons during the term of transportation.

II. And it is hereby declared and enacted, that it shall be lawful for the Governor General in Council to appoint the Governor or other Authority at any place within the territories of the East India Company, or to appoint one or more Superintendents at any such place as the persons to whom Convicts undergoing transportation shall be delivered and in whom the property in the service of such Convicts shall be vested as aforesaid.

III. And it is hereby declared and enacted, that it shall be lawful for the Governor General in Council to issue orders from time to time to any such Governor, Authority, or Superintendent, and which orders are hereby required to be duly executed, and to frame rules touching the classification of Convicts, their confinement, treatment, and discipline, and touching such moderate correction as may be necessary in cases of misbehaviour and disorderly conduct, and of neglect or disobedience in the service of those persons in whom the property of such service may be vested as aforesaid.

IV. And it is hereby declared and enacted, that all persons who have heretofore been transported to any place within the territories of the East India Company, and whose terms of transportation are not yet expired, shall be subject to the provisions contained in this Act, and nothing heretofore done with respect to offenders who have been so transported in conformity with the provisions of this Act, or by the orders, or with the sanction of Government, shall be called in question in any Court of law.

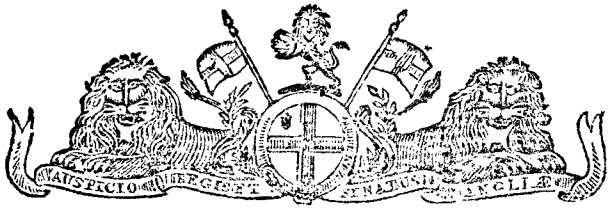
ACT No. XVII. OF 1840.

Passed by the Right Hon'ble the Governor General of India in Council, on the 10th August 1840.

An Act for amending Regulation V. of 1831. of the Madras Code as far as the same regards Penalties for certain breaches of the Salt Laws.

WHEREAS great inconvenience has been experienced, in consequence of sending persons accused of petty offences against the Salt Laws for trial in the Criminal Courts, who might be more conveniently tried by Magistrates as in the case of other offences subject to the same amount of punishment:

It is hereby enacted in modification of Regulation V. of 1831 of the Madras Code, that all penalties prescribed by the Madras Code for any breaches of the Salt Laws shall be recoverable before the Magistrate of the district: Provided always, that it shall be lawful for any such Magistrate before whom any person shall be charged with the commission of any offence against Salt Laws, at his discretion, to proceed against such person in the same manner as against persons charged with offences the punishment of which rests with the Criminal Court. Provided also, that no Magistrate shall, under the authority of this Act, punish any offender by a fine exceeding 50 Rupees, or by imprisonment with or without labor for a longer period than thirty days.



ACT No. XVIII. OF 1840.

Passed by the Right Hon'ble the Governor General of India in Council, on the 10th of August, 1840.

To regulate the granting and withholding Licenses for the Sale of Liquors within the Islands of Bombay and Colaba.

I. IT is hereby enacted, that all powers and duties now vested by law in Her Majesty's Justices of the Peace in Bombay with respect to granting and withholding licenses for the sale of Arrack, Toddy and other Spirituous and Fermented Liquors, within the Islands of Bombay and Colaba, shall from and after the passing of this Act be vested in and discharged by the Collector of Land Revenue, and the Senior Magistrate of Police in Bombay jointly, but the said Justices at Quarter Sessions assembled shall have power in their discretion to quash such licenses or to withdraw the same on the breach of any of the conditions thereof.

II. And it is hereby enacted, that the Hon'ble the Governor in Council shall have authority at all times to regulate the form of licenses to be granted for the sale of Arrack and other Liquors aforesaid in Bombay, and to vary and add to the terms and conditions thereof.

III. And it is further enacted, that nothing herein contained shall have the effect of repealing or altering any laws now in force touching the sale of Spirituous Liquors in Bombay or Colaba otherwise than as such laws are hereby repealed or altered.

ACT No. XIX. OF 1840.

Passed by the Right Hon'ble the Governor General of India in Council on the 14th September, 1840.

Act for amending the procedure in cases of Appeals made in formâ pauperis, within the Presidency of Fort William in Bengal.

IT is hereby enacted, that the proviso contained in Clause 1, Section V. Regulation XXVIII. 1814 of the Bengal Code in regard to females of rank, shall be applicable, at the discretion of the Courts of Sudder Dewanny Adawlut of the Presidency of Fort William in Bengal respectively, to any party desirous of appealing in formâ pauperis to either of those Courts.

Calcutta, 1840:—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. XX. OF 1840.

Passed by the Right Hon'ble the Governor General of India in Council on the 19th October, 1840.

An Act for declaring the law touching the liability of Auction Purchasers of permanently assessed Estates under Section XXI. Regulation XI. of 1822, *of the Bengal Code.*

I. WHEREAS doubts have arisen whether the liability of Auction Purchasers, under the Provisions of Section XXI. Regulation XI. of 1822, Bengal Code, to make good the difference between the sums bid at a first and second sale of Lands, sold for the realization of arrears of Revenue, has been affected by the Provisions of Section VII. Regulation VII. of 1830 of the same Code:—

It is hereby declared and enacted, that the said liability provided for, and imposed by Section XXI. Regulation XI. of 1822 aforesaid, has in no wise been altered or affected by Section VII. Regulation VII. of 1830 aforesaid, and that such liability shall be considered in full force and virtue, as if such last mentioned Regulation had not been passed.

Calcutta, 1840:—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. XXI. OF 1840.

Passed by the Right Hon'ble the Governor General of India in Council on the 19th of October, 1840.

An Act concerning Suits instituted under the provisions of Regulation XLIX. of 1793, *prior to, and pending at, the date of the enactment of Act IV. of* 1840.

IT is hereby enacted, that Act IV. of 1840 shall not affect the trial of Suits under Regulation XLIX. 1793, which were pending originally or in appeal at the time of the passing of that Act, and that all such suits shall be tried and decided in the same manner as if Act IV. of 1840 had not been passed.

Calcutta, 1840:—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. XXII. OF 1840.

Passed by the Right Hon'ble the Governor General of India in Council on the 23d November, 1840.

An Act for the punishment of Vagrants within the Towns of Calcutta and of Madras, and the Islands of Bombay and Colaba extorting Alms by offensive and disgusting exhibitions and practices.

I. WHEREAS great inconvenience is experienced in the Towns of Calcutta and of Madras, and in the Islands of Bombay and Colaba from Mendicants who endeavour to extort alms by offensive and disgusting exhibitions and practices ;—

It is hereby enacted, that persons within the Town of Calcutta or of Madras, or within the Islands of Bombay and Colaba who shall seek to extort alms by offensively exhibiting any bodily ailment or deformity, or by any offensive or indecent practices, or by inflicting, or threatening to inflict, bodily injury on themselves, shall be liable, on conviction before any Justice of the Peace, to imprisonment with or without labor for a term not exceeding one calendar month.

II.

II. And it is hereby enacted, that all persons guilty a second time of any of the above offences, shall be liable, on conviction before a Justice of the Peace, to imprisonment with hard labor for a term not exceeding twice the period assigned for the first offence, and for the same term upon any subsequent conviction.

III. And it is hereby enacted, that persons guilty of any of the offences above mentioned who shall violently resist any Peace Officer attempting to apprehend them, shall be liable, on conviction before a Justice of the Peace, to imprisonment with or without hard labor for a term not exceeding three calendar months.

IV. And it is hereby enacted, that it shall be lawful for the Governor General in Council from time to time, by notice in the Gazette, to extend the provisions of this Act to any towns or districts besides the places specified in this Act.

Calcutta:—Printed at the Bengal Military Orphan Press, by G. H. Huttman

ACT No. XXIII. OF 1840.

Passed by the Right Hon'ble the Governor General of India in Council on the 30th November, 1840

An Act for executing within the local limits of the jurisdiction of Her Majesty's Courts Legal Process issued by authorities in the Mofussil.

I. WHEREAS great inconvenience has been experienced, in consequence of the difficulty of procuring the attendance as witnesses before the Mofussil Authorities of persons resident within the local limits of Her Majesty's Supreme Courts, and, in consequence of justice being often frustrated by reason of persons and property within such limits being exempted from process issued by such Authorities, which has also occasioned inconvenience to the inhabitants within such limits, in suits in the Mofussil Courts to which they are parties ;—

It is hereby enacted, that any Writ, Warrant, or other Process issued by any Court, Judge, or Magistrate in the territories beyond the local limits of the Supreme Courts of Calcutta, Madras and Bombay respectively, may be executed within those limits in manner following—A copy of such Writ, Warrant, or other Process authenticated as such by the attestation of the Court, Judge, or Magistrate signing or issuing the same, accompanied by a certified translation in the

the English language, shall be presented to any Judge of Her Majesty's Courts, who may thereupon, under his hand and signature, indorse and direct the same to be executed within the local limits of any of Her Majesty's Courts by the Sheriff, or by any Justice of the Peace according to the nature of such Writ, Warrant or other Process.

II. And it is hereby provided, that upon the delivery of every such Writ, Warrant or Process so indorsed as aforesaid to any such Sheriff as aforesaid, every such Sheriff shall make a memorandum of the date of such delivery, and shall execute such Writ, Warrant or Process in like manner as if the same had originally issued from any of Her Majesty's Courts and had been delivered at the date as appearing by the memorandum; and such Sheriff shall make no distinction as to priority or otherwise between the execution of any Writ, Warrant or other Process originally issued from any of Her Majesty's Courts, and the execution of any Writ, Warrant or other Process, under this Act. But every Writ, Warrant and other Process whether original, or indorsed as aforesaid, shall, amongst each other, be subject to the same rules touching the mode and order of execution as are now established in respect of Writs, Warrants, and other Process originally issued from Her Majesty's Courts of Justice.

III. And it is hereby enacted, that every such Sheriff shall be liable to be proceeded against in Her Majesty's Courts of Justice for all matters touching the execution of any Writ, Warrant or other Process executed under this Act, in like manner as if the same had originally issued from any of Her Majesty's Courts of Justice. And all persons and property seized or detained under any Writ, Warrant or Process executed by virtue of this Act shall be dealt with in like manner as if such persons or property had been seized or detained under

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the like Writ, Warrant or other Process issued from any of Her Majesty's Courts of Justice.

IV. And it is hereby enacted, that all persons disobeying or obstructing the execution of any Writ, Warrant or other Process indorsed under this Act, shall be punishable in Her Majesty's Courts of Justice, in like manner as if the same had issued from such Courts; Provided always that, in the case of Process for the attendance of witnesses, Her Majesty's Courts shall be governed by the like rules touching expenses and other matters as are established in regard to Subpœnas issued from such Courts.

V. And it is hereby enacted, in the case of persons seized or detained by virtue of any Writ, Warrant or other Process executed under the authority of this Act by any Justice of the Peace or by any Sheriff, it shall be the duty of every such Sheriff or Justice of the Peace if so required by the indorsement of the Judge, to deliver the party in custody to such authority or persons as shall be particularly specified in such indorsement, and who shall have been charged with the execution of the Writ, Warrant or other Process by the authority originally issuing the same, and for that purpose to cause the party in custody to be conveyed to any place within the Company's territories beyond the local limits of the jurisdiction of Her Majesty's Courts.

VI. And it is hereby provided, that in the case of any Writ, Warrant or other Process required to be indorsed under the authority of this Act, it shall be lawful for the Judge who shall be required to indorse the same, to remit the same for amendment to the authority issuing the same if the same shall appear to be defective in any matter of form.

VII.

VII. And it is hereby provided, that in the case of any Writ, Warrant or other Process required to be indorsed under the authority of this Act, for the seizure or detention of any person, it shall be lawful for the Judge who shall be required to indorse the same to direct by indorsement that bail (the amount and number of Sureties to be specified in such indorsement) may be taken; and for this purpose to call for such documents and to make such enquiry as he shall think proper.

VIII. And whereas it is expedient, that offenders sentenced by the Mofussil authorities to imprisonment with or without hard labour, should be subjected to the most improved rules of prison-discipline, which cannot, in all cases, be conveniently done except in the prisons locally situate within the jurisdiction of Her Majesty's Supreme Courts, it is hereby enacted, that all Civil and Criminal Gaols and Houses of Correction within the jurisdiction of any of Her Majesty's Supreme Courts, shall, according to the nature of the case, be liable to be used by the Sheriff for the purposes of this Act, and the parties imprisoned therein under the authority of this Act shall be liable to the prison-discipline thereof, and all sentences of imprisonment passed by any Judge, Court or Magistrate in the territories of the East India Company beyond the local limits of Her Majesty's Supreme Courts, may be executed in whole or in part within any of the Gaols or Houses of Correction aforesaid, provided that a copy of the Warrant of Commitment or other Process authorizing the imprisonment be so indorsed as aforesaid, and such indorsement contain the necessary directions.

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ACT No. XXIV. OF 1840.

Passed by the Right Hon'ble the Governor General of India in Council on the 7th December, 1840.

For amending the Law with respect to rates for Municipal purposes within the Town of Calcutta.

I. WHEREAS it is expedient to specify the particular purposes to which rates assessed on houses, buildings and grounds in Calcutta shall be applied; and abolish the practice which has hitherto prevailed, of levying five per cent. on the annual value of all houses, buildings and grounds, without reference to the amount necessary for accomplishing the purposes of the rates; such percentage being inadequate for the purposes to which the rates have hitherto been deemed applicable. And whereas it is expedient to make the percentage leviable by quarterly rates on the annual value of property to depend entirely on the expenditure necessary for accomplishing, in an efficient manner, the purposes to which the rates shall henceforth be applicable, and providing for all incidental expenses and casual deficiencies or defaults. And whereas it is expedient to subject the collection and administration of the funds raised for Municipal purposes in the various districts of the Town to the management of the rate-payers themselves within such districts respectively, whenever they

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are desirous of undertaking the same, and are willing to enter into proper arrangements for the purpose. And whereas it is expedient to modify the provisions of the Statute 33 Geo. 3, Cap. 52, in regard to assessments for the Town of Calcutta in order for the better collection of the same, reserving all the authority of such Statute in matters not inconsistent with this Act;—

It is hereby enacted, that the assessments which by the Statute 33 Geo. 3 Ch. 52 are authorized to be made for the Town of Calcutta, shall be applicable to the following purposes only—viz. lighting, and watering the roads and streets, and cleansing and repairing the same and the drains of the said Town.

II. And it is hereby enacted, that the assessments and rates made under the authority of the said Statute shall be sufficient for accomplishing, in an efficient manner, the purposes mentioned in the last Section, for discharging all incidental expences, and for making up deficiencies and defaults of every kind whatsoever. Provided always that no rate shall be made exceeding the amount of five per cent. on the assessed value of property without the sanction of the Governor of Fort William in Bengal.

III. And it is hereby enacted, for the encouragement of the control and supervision of the assessment and collection of the rates and the management thereof within particular divisions being undertaken by the rate-payers themselves—the Justices at their Quarter Sessions shall publish quarterly the particulars of all sums laid out, and of all the expences of collection and deficiencies during the preceding quarter within the following divisions of the Town, or such other divisions as the Governor of Fort William in Bengal may from time to time direct, so long as the assessment, collection

or management of the rates for such divisions shall remain under their jurisdiction, viz. the 1st or Upper North Division, bounded as follows :

North—by the Mahratta Ditch.
South—by the Mutchooa Bazar Road and Cotton Street to Meerbhur's Ghaut.
East—by the Circular Road.
West—by the River Hooghly.

2d or Lower North Division, bounded as follows :

North—by Mutchooa Bazar Road and Cotton Street, to Meerbhur's Ghaut.
South—by the Boitakhanna and Bow Bazar Road, and Hare Street, to Police Ghaut.
East—by the Circular Road.
West—by the River Hooghly.

3d or Upper South Division, bounded as follows :

North—Boitakhanna, Bow Bazar Road and Hare Street, to Police Ghaut.
South—Durrumtollah Street and Esplanade Row, to Chandpaul Ghaut.
East—Circular Road.
West—River Hooghly.

4th or Lower South Division, bounded as follows :

North—by the Durrumtollah Street and Esplanade Row, to Chandpaul Ghaut.
South—by the Lower Circular Road to Kidderpore Bridge and Tolly's Nullah, to River Hooghly, including the Fort and Cooly Bazar.

East—by the Circular Road.
West—by the River Hooghly.

IV. And it is hereby enacted, whenever two-thirds in number and value of the rate-payers of any of such respective divisions shall apply to the Governor of Fort William in Bengal to undertake themselves the assessment, collection and management of the rates of such division, or any or either of these trusts, it shall be lawful for the Governor of Fort William in Bengal to authorise the same accordingly, at his discretion; provided always that such majority of rate-payers shall present a scheme which shall obtain his full approbation for the safe and efficient execution of the trusts, the transfer of which from the present authorities is sought for. Provided always that in any such arrangement, the amount to be levied in any particular division shall not be considered as necessarily limited by the amount expended within such division, but shall be adjusted by the Governor of Fort William in Bengal upon reference to all local circumstances.

V. And it is hereby enacted, that for the better assessment and collection of rates under this Act, it shall be lawful for the Governor of Fort William in Bengal, to appoint such Assessor or Assessors, Collector or Collectors, and to make such union of the offices of Assessor and Collector, and to prescribe such rules and take such securities for the due execution of this Act by the person or persons employed in assessments and collections and in the management of the rates collected as he shall deem expedient.

VI. And it is hereby enacted, that it shall not be necessary in any Assessment rate or Warrant of Distress under this Act to specify the names of the owners or occupiers of houses, buildings and grounds; but it shall be sufficient if every property rated be identified, and, in the case of houses numbered

numbered in any street, that the name of the street and number of the house rated be particularly specified.

VII. And it is hereby enacted, that the Goods and Chattles of the owner of any property rated shall be seizable any where (except where property is concealed as hereinafter mentioned) for deficiency in the payment of rates. And that all property which shall be found upon any premises rated, shall be seizable for any arrears which may be due for a period of one year immediately preceding such seizure. And in the case of the seizure of the property of a tenant under such circumstances, he may deduct the amount of the levy from the next payment of his rent.

VIII. And it is hereby enacted, that where there is ground to suspect that property liable to distress under this Act is concealed in any Zenana, the Officer charged with the execution of the Warrant shall make a special report to the Justice granting the same, who shall thereupon follow, as closely as is practicable, the rules for the seizure of property in like cases adopted by Her Majesty's Supreme Court.

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ACT No. XXV. OF 1840.

Passed by the Right Hon'ble the Governor General of India in Council on the 28th of December, 1840.

For the better protection of the Abkaree Revenue within the Presidency of Fort William in Bengal.

I. WHEREAS it has been found necessary, with a view to make better provision for the protection of the Abkaree Revenue than is afforded by the existing system of management, to place the superintendence of certain Districts in a separate Commissioner acting under the direction and control of the Board of Customs, Salt and Opium, and whereas it is required to make provision by law for the extension and improvement of this system of management within the Presidency of Fort William in Bengal;—

It is hereby enacted, that whenever a Commissioner or Commissioners shall be appointed by the Governor of Bengal, or by the Governor or Lieutenant Governor of the N. W. Provinces, with the sanction of the Government of India, for the superintendence of the Abkaree Revenue, such Commissioner or Commissioners shall exercise within such Districts as may be assigned

assigned and prescribed from time to time by the said Governors or Lieutenant Governor the powers, authority and jurisdiction vested by the Regulations and Acts of the Government in Commissioners of the Land Revenue in all matters appertaining to the Abkaree Revenue.

II. And it is hereby enacted, that within the Districts so assigned to such Commissioner or Commissioners, the Governor of Bengal or Governor or Lieutenant Governor of the N. W. Provinces may appoint any duly qualified persons not being of the description specially provided for in Section XXXI. Regulation X. 1813, to be Superintendents of the Abkaree Revenue, and to vest them with the charge and management of the Abkaree Revenue under the orders of the said Commissioner within such local limits as to him may seem fit, and the persons so appointed shall exercise all the powers of Collectors in regard to this Revenue, excepting the adjudication of cases of contravention of the Laws relating to Abkaree.

III. And it is hereby enacted, that it shall be competent for the Governor of Bengal to vest any person appointed under the foregoing Clause to the charge and superintendence of the Abkaree Revenue with the power of adjudicating cases of contravention of the Abkaree Laws, in addition to the powers attaching to the office of Superintendent of Abkaree Revenue in the District or Districts assigned to him—provided that no such Superintendent when so vested with the powers of adjudication shall sentence any person to a fine exceeding 200 Rupees, whether commutable or otherwise, or to imprisonment for a term exceeding 3 months, except for a second offence under Section XVII. of this Act.

IV. And it is hereby enacted, that the warrant of any Officer authorized or especially appointed, to adjudicate cases of contravention of the Abkaree,

Laws

Laws certifying the conviction of any individual, with a specification of the offence proved and penalty adjudged, shall be authority for the levying of any fine imposed, as therein specified, and for the detention of the person therein described in the Civil Jail of the District as may be therein prescribed,—provided always that it shall be competent to the Commissioner, upon appeal by the parties concerned, or of his own motion, to call for the papers and revise the proceedings in any case decided by such Superintendent, and to alter or reverse the judgment passed thereon, and a like power shall be possessed and exercised by the Board of Customs, Salt and Opium, or by any other Board possessing like authority whenever they think proper.

V. And it is hereby enacted, that any Officer employed in the Abkaree Department above the rank of Jemadar of Peons, who shall receive information that any person without a license is engaged in the manufacture of fermented or spirituous liquors, or in the preparation of intoxicating drugs, or has on his premises fermented or spirituous liquors or intoxicating drugs in such quantity as may render such person liable to the suspicion of secretly and illicitly trafficking in such articles, shall and is hereby authorised and required to take the deposition of the informer in writing, and if the information so given shall appear credible, so as to justify such proceeding, it shall further be competent to such Officer to enter and search such premises as may be declared by the informer to contain the illicit articles specified in his deposition, and to seize all illicit stills and materials of the kind used in manufacturing liquors and preparing drugs as well as all fermented or spirituous liquors, or intoxicating drugs, and to arrest the owner or occupant of the premises, together with all parties concerned in the transaction who may be found on the premises.

VI. And it is hereby enacted, that except in cases already provided for by Section XVIII. Regulation VII. of 1824, if any person or persons shall by threats

threats or violence prevent the lawful arrest of any person by an Officer duly authorized to seize illicit stills, fermented or spirituous liquors, or intoxicating drugs and materials for the manufacture of the same, or shall procure by unlawful means his release after arrest, or shall obstruct any Officer duly authorized in making search for or seizure of any of the above mentioned illicit articles, or shall rescue such articles after seizure, or if the party found with any such illicit articles in possession, or any other person or persons shall resist such Officer in the execution of a legal process, such person or persons shall severally and respectively be liable on conviction before a Magistrate, to be sentenced for the same to pay a fine not exceeding 500 Rupees, commutable, if not paid, to imprisonment for a term not exceeding six months, provided that such person or persons shall be further liable, in the event of an affray or breach of the peace occurring, in consequence of his or their resistance, on conviction of the same before a competent tribunal to such punishment as is prescribed in the general rules applicable to cases of affray and breach of the peace in addition to the penalties above prescribed for the resistance or process.

VII. And it is hereby enacted, in modification of Clause 6, Section XXII. Regulation X. of 1813 of the Bengal Code, that if any person shall wilfully and maliciously give false information in respect to there being an illicit still or illicit stills, or fermented or spirituous liquors, or intoxicating drugs or materials prepared for the manufacture of spirituous liquors and drugs in any premises, and so procure that such premises shall be searched to the injury and vexation of the owners thereof, or of any other person or persons whatsoever, such false informer shall, besides being subject to any other penalties or damages to which he would be subject under the general law, be liable to imprisonment with or without labor for a term not exceeding two years, and to fine not exceeding 500 Rupees, commutable to a further term of imprisonment for six months if not paid.

VIII.

VIII. And it is hereby enacted, that whenever any Officer of the Abkaree Department duly authorized under Section V. of this Act shall arrest any person charged with an infraction of the Laws for the protection of the Abkaree Revenue, or shall seize any still, or fermented or spirituous liquors or intoxicating drugs, or enter any premises for the purpose of searching for such illicit articles, he shall make a full report of all the particulars of such arrest or seizure or search to his officical superior, within twenty-four hours after the transaction has occurred.

IX. And it is hereby enacted, that whenever any person may be arrested by an Officer employed in the Abkaree Department or by any other Officer of other Departments duly empowered to make seizure of illicit stills or spirituous liquors, or intoxicating drugs, or materials prepared for the purpose of manufacturing spirituous liquors or intoxicating drugs, the person making the arrest shall be bound to carry the party arrested with all convenient despatch to the Officer of the Department who may be competent to try the case, and no person so arrested shall be released until the case shall have been brought to judgment in the manner provided by Law.

X. And it is hereby enacted, that any Officer who shall neglect to report all the particulars of an arrest, seizure, or search within 24 hours after the transaction has occurred, or who shall delay carrying the person arrested to the proper Officer with all convenient despatch, or who shall release or connive at the escape of the person arrested shall be liable, on conviction, to dismal from his situation, and to pay a fine not exceeding 200 Rupees, and to imprisonment for a term not exceeding three months, and in case of non-payment of the fine, to further imprisonment not exceeding three months, and the sentence shall be adjudged by any Officer competent to adjudicate cases of contravention of the Abkaree Laws.

XI. And it is hereby enacted, that it shall be lawful for any Officer employed in the Abkaree Department, to enter and inspect at any time, by day or by night, the shop or premises in which any licensed Abkar shall carry on the sale or manufacture of fermented or spirituous liquors, or intoxicating drugs or liquors, in order to satisfy himself that nothing is going on in contravention of the Abkaree Laws, or of the conditions of the license.

XII. And it is hereby enacted, that if any Officer of the Abkaree Department be convicted before the Magistrate of any District, of having vexatiously and unnecessarily seized the goods of any person on the pretence of seizing or searching for illicit stills, spirituous liquors, intoxicating drugs, or the materials for manufacturing the same, or of having vexatiously and unnecessarily arrested any person, or of committing any other excess not required for the execution of his duty, every such Officer shall, besides dismissal, be punished with imprisonment not exceeding six months, and with fine not exceeding 200 Rupees, commutable, if not paid to a further imprisonment not exceeding six months.

XIII. And it is hereby enacted, that whenever in this Act or in any other law the terms "Officers employed in the Abkaree Department," are used they shall be deemed and construed to apply to such Officers as receive salary from and are appointed by the persons in charge of the Abkaree Department in the District, or such Officers as the Commissioner of the Abkaree Revenue may by special delegation or appointment empower to act in relation to this branch of the Revenue.

XIV. And it is hereby enacted, that every person holding a license for the manufacture or sale of fermented or spirituous liquors or intoxicating drugs,

drugs, shall preserve such license at the shop or premises specified in the body of the license, and shall exhibit the license on the demand of any Abkaree Officer, who shall desire to inspect the same, and any such licensed manufacturer or vender who shall refuse, or be unable to produce his license on the demand of any Abkaree Officer, shall be liable on conviction before a Magistrate to a fine not exceeding 200 Rupees, or to imprisonment for a term not exceeding three months, and in case of non-payment of the fine to further imprisonment not exceeding a like term.

XV. And it is hereby enacted, that one moiety of all fines realized from persons convicted of the illicit possession or manufacture or sale of fermented or spirituous liquors or intoxicating drugs, excepting Opium, and of the proceeds from sale of articles confiscated, shall upon adjudication of the case be awarded to the Officer or Officers who may have apprehended the offender or seized the illicit articles, and the other half shall be given to the informer as provided in Clause 8, Section XXII. Regulation X. of 1813, and if no fine be realized, the Commissioner may recommend through the Board of Customs, Salt and Opium such reasonable reward, not exceeding the sum of 200 Rupees in each case as may appear to him fit,—provided however, that it shall be competent to the Board of Customs, Salt and Opium to prescribe by General Order what classes of Officers of the Department shall receive reward and what classes shall have no title to participate therein.

XVI. And it is hereby enacted, that any Officer employed in the Abkaree Department, who shall be convicted of conniving at the manufacture or sale of fermented or spirituous liquors without license, or by any licensed manufacturer or vender contrary to the terms of such license, shall be liable to the same penalties that would be incurred by the offender at whose act in contravention of the law he so connived.

XVII. And it is hereby enacted, that whenever any person shall be convicted of an infraction of the laws for protection of the Abkaree Revenue after having been previously convicted of a like offence, he shall be liable, in addition to the penalty attached to such offence, to imprisonment in the Dewanny Jail for a period of six months, and a like punishment of six months' imprisonment shall be incurred, in addition to the punishment which may be inflicted for a first offence, upon every subsequent conviction after the second, and the warrant of the Officer adjudicating any case under the provisions of this Section shall be authority for the Judge or other Officer in charge of the Dewanny Jail to hold the person described therein in confinement in such Jail, and for such time as may be specified and required in the said warrant.

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INDEX

TO THE

ACTS OF THE SUPREME GOVERNMENT

FOR 1840.

	Act.	Section.	Clause.
Abkaree Revenue—Arrangements for the better protection of the—Degree of authority vested in the Commissioner or Commissioners that may be appointed by the Governor of Bengal or Lieutenant Governor of the N. W. Provinces, ...	XXV.	I.	
„ Appointment of Superintendants who shall be subordinate to the Commissioners—Degree of authority to be exercised by them,	„	II.	
„ Governor of Bengal competent to vest Superintendants with the power of adjudicating cases of contravention of the Abkaree Laws and of fining to the extent of 200 Rupees, ...	„	III.	
„ Superintendant's Warrant shall be authority for the levying of any fine imposed or of imprisonment—the Commissioner or the Board of Customs, Salt and Opium, being competent, upon appeal, to revise proceedings and reverse judgment, ...	„	IV.	
„ Premises of persons suspected of being engaged without License in the manufacture of Fermented or Spirituous Liquors or other intoxicating drugs, and of illicitly trafficking in such articles, liable to search and their persons to arrest, ...	„	V.	
„ Penalty to which persons obstructing by violence the lawful arrest by an Officer duly authorized to seize illicit stills, &c. or otherwise resisting the execution of legal process, shall be subject,.....	„	VI.	

	Act.	Section.	Clause.
Abkaree Revenue—Penalty to which false informers are liable, ...	XXV.	VII.	
„ Officers of the Department after arresting any person charged with an infraction of the Abkaree Laws required within 24 hours to report the transaction to their official superiors, ...	„	VIII.	
„ The Officer arresting bound to carry the party arrested to such authority as shall be competent to try the case,.....	„	IX.	
„ Any infringement of the two preceding Clauses shall subject the Officer so acting to dismissal from his situation besides fine or imprisonment, ...	„	X.	
„ Officers empowered to enter and inspect, at any time, the shops, &c. of Licensed Abkars, to see that nothing is going on in contravention of the Abkaree Laws,.....	„	XI.	
„ Officers proved to have unjustly seized goods or persons of Abkars, or of having committed any other excess, subject to dismissal and other punishment, ...	„	XII.	
„ Construction of the terms "Officers employed in the Abkaree Department,"....	„	XIII.	
„ Licensed Abkars to produce their licenses when required—if not, subject to fine or imprisonment, ...	„	XIV.	
„ Mode of appropriating fines and proceeds from sale of confiscated articles, ...	„	XV.	
„ Officers of the Department conniving at the manufacture or sale of Liquors without license subject to the same penalty as the party acting in contravention of the Abkaree Law, ...	„	XVI.	
„ Punishment for repeated infractions of the Abkaree Law, ...	„	XVII.	
Acceptances—See "Bills of Exchange."			
Advances—See "Bank of Bombay."			
Affirmations—Penalty attendant on false affirmations by witnesses before arbitrators,..	IX.	V.	
Affrays—Amendment of the Law for preventing affrays concerning the possssion of land and for giving relief in cases of forcible dispossession, ...	IV.	I.	I.
„ Course which shall be adopted by a Magistrate when certified that a dispute, likely to cause a breach of the peace, exists concerning any land, premises, &c.,..	„	II.	

	Act.	Section.	Clause.
Affrays—Magistrate authorized to attach the subject of dispute until the rights of parties be determined by a competent Court,....	IV.	III.	
„ How a Magistrate is to act in cases of complaints of forcible dispossession of any land, premises, &c., ...	„	IV.	
„ On what principle award shall be based when the subject of dispute be new formed land and never before in the possession of any party, ...	„	V.	
„ Mode of adjusting disputes concerning the right of *use* of any land or water, ...	„	VI.	
„ Penalty attending any opposition to the execution of Magistrate's orders, ...	„	VII.	
„ Orders open to appeal, ...	„	VIII.	
„ Arbitration may be resorted to when all parties agree, ...	„	IX.	
„ Nothing in this Act shall affect the legal exercise of any right of attachment or seizure vested by law in any parties, ...	„	X.	
„ Limitation of jurisdiction, ...	„	XI.	
Appeal—Orders of a Magistrate in cases of land disputes open to—See "Affrays,"..	„	VIII.	
Appeals in forma Pauperis—Amendment of the procedure in cases of, ...	XIX.		
Arbitration in cases of land disputes—See "Affrays,"	IV.	IX.	
Arbitrations—Extension of certain provisions of Stat. 3d and 4th Wm. IV. Cap. XLII. to the Territories of the East India Company,.....	IX.		
„ Mode of examining witnesses, ...	„	I.	
„ Court empowered to give damages as here prescribed, ...	„	II.	
„ Power of an arbitrator or umpire, duly appointed, not revocable by any party, except with the sanction of the Court by which such arbitrator or umpire is appointed,.....	„	III.	
„ Rule regulating the attendance of witnesses and the production of documents required by arbitrators, ...	„	IV.	
„ Penalty attendant on false oaths and affirmations by witnesses, ...	„	V.	
„ Date from which this Act is to take effect in Calcutta, Madras, Bombay and the Straits, ...	„	VI.	

	Act.	*Section.*	*Clause.*
Arrack—See " Liquors,"			
Arrest for infractions of the Abkaree Law—See " Abkaree Revenue."			
Assessment of 10 per cent. levied on all lands not covered with houses or buildings within the limits of the Towns of George Town, Singapore and Malacca from 1st January 1841, ...	XII.	I.	
„ Of 5 per cent on property of the above description situated beyond the limits of the aforesaid Towns, ...	„	II.	
„ Exemption from—of all property the valuation of which shall be less than 10 Spanish Dollars,.....	„	III.	
„ Applicability of the provisions of Act XII. of 1839, relating to assessment of houses and buildings, to the assessment authorized by this Act,.....	„	IV.	
„ Rates of—on houses, buildings and grounds in Calcutta—Modification of the provisions of Statute 33, Geo. 3, Cap 52, purposes to which assessments shall be applicable, viz. lighting and watering the roads and streets, and cleansing and repairing the same and the drains of the Town, ...	XXIV.	I.	
„ Not to exceed 5 per cent. without the sanction of the Governor of Bengal,.....	„	II.	
„ The Justices at their Quarter Sessions shall publish quarterly the particulars of all disbursements and deficiencies of collection in the different divisions of the Town as herein described,.....	„	III.	
„ Governor of Bengal competent whenever application shall be made to authorize two-thirds in number and value of the rate payers of any of such respective divisions to undertake themselves the assessment, collection and management of the rates of such division, under the provisions herein prescribed, ...	„	IV.	
„ Governor of Bengal shall appoint Assessors or Collectors, ...	„	V.	
„ Specification of the names of the owners or occupiers of houses, buildings and grounds not necessary in any assessment rate or warrant of distress, it being sufficient that the property rated is identified,	„	VI.	

	Act.	Section.	Clause.
Assessment—Goods and chattels of the owner of any property liable to seizure for deficiency in the payment of rates—and any property found on the premises seizable for arrears. If property of a tenant he may deduct the amount of the levy from the next payment of his rent, ...	XXIV.	VII.	
„ Course of proceeding when property liable to distress is suspected of being concealed in the Zenana, ...	„	VIII.	
Attachment in land disputes—See "Affrays,"	IV.	III.	
Auction purchasers of permanently assessed Estates—See "Estates."			
Awards—Competency of the majority of members composing punchayets to sign, ...	VIII.		
Bank of Bombay—Corporation from 1st April 1840, rights and privileges of the proprietors,.....	III.	I.	
„ Limitation of the Capital Stock to 50 Lacs.			
„ Share of the Bombay Government disposal of lapsed shares arising from the non-payment by proprietors of the full amount of their shares,.....	„	II.	
„ Government of India shall have the power of encreasing the Capital Stock, ...	„	III.	
„ Capital Stock shall be divided into shares of 1,000 Rs. each—300 shares shall be the property of Government of Bombay—no share shall be of less amount than 1,000 Rupees,.....	„	IV.	
„ Transaction of business shall commence on the 1st April 1840 after official notification—Bank shall sue and be sued by its corporate name, ...	„	V.	
„ Payment of the amount of subscription to the Capital Stock shall be made for the time being to the Bombay Sub-Treasurer, who will grant receipts until the publication of the notification when the amount shall be delivered to such Directors of the Bank as shall be appointed,.....	„	VI.	
„ After the delivery of the amount of Capital Stock to the Directors as aforesaid, Sub-Treasurer's receipts shall be cancelled, and a certificate signed by the Directors, given to each proprietor, ...	„	VII.	
„ No proprietor shall be allowed to encrease his share to the Capital Stock beyond			

	Act.	Section.	Clause.
1,60,000, unless the Capital Stock itself is encreased,.....	III.	VIII.	
Bank of Bombay—Shares transferable by endorsement of certificates, such endorsement being first registered at the Bank, ..	„	IX.	
„ Corporate body of the Bank shall be composed only of the registered proprietors for the time being, ...	„	X.	
„ Business of the Bank shall be conducted by nine Directors, three of whom shall be appointed and removable by the Government of Bombay and the remainder by the general body of proprietors, ...	„	XI.	
„ Rule by which the election of Directors shall be regulated, ...	„	XII.	
„ Two Directors shall in rotation go out of office annually when a general meeting of proprietors shall be held for supplying their place, ...	„	XIII.	
„ Provision in case of casualties, &c. occurring in the Direction, ...	„	XIV.	
„ No person who shall not be a proprietor of 12 shares, or who shall be a Director of any other Bank at Bombay, shall be eligible as a Director, ...	„	XV	
„ All questions concerning the Bank shall be decided by a majority of votes at a general meeting, ...	„	XVI.	
„ Scale regulating the votes of proprietors,	„	XVII.	
„ Government of Bombay entitled to vote by proxy, such proxy having seven votes,	„	XVIII.	
" Individual proprietors also entitled to vote by proxy in the manner herein prescribed, ...	„	XIX.	
„ Directors shall elect a president from among themselves who shall have a casting vote in all cases of equal division, ...	„	XX.	
„ Not less than three Directors competent to form a Board for the transaction of business, ...	„	XXI.	
„ Invalidity of all accounts and executed instruments unless signed by three Directors and sealed in their presence, ...	„	XXII.	
„ Establishment for conducting the business of the Bank placed under the controul of the Directors—expenses not to exceed			

	Act.	Section.	Clause.
60,000 Rupees annually, except by special authority of the general proprietory, ...	III.	XXIII.	
Bank of Bombay—Certain of the Officers employed by the Bank shall be required not to engage in any commercial business and to give security to the extent of 50,000 Rupees, ...	„	XXIV.	
„ Kinds of business in which the Bank shall engage, ...	„	XXV.	
„ No negotiable security shall be discounted, nor any loans made unless funds to a certain extent are available, ...	„	XXVI.	
„ Terms on which loans and advances shall be made—limitation of period and amount,	„	XXVII.	
„ Nature of the security to be taken on loans,	„	XXVIII.	
„ Shall not be in advance at any time to Government more than seven lacs and a a half of Company's Rupees, ...	„	XXIX.	
„ No overdrawals to be permitted, ...	„	XXX.	
„ May issue promissory notes to the extent herein specified, ...	„	XXXI.	
" Such notes as well as all other transactions to be confined within the limits of India, ...	„	XXXII.	
„ Deposit of goods not of a perishable kind receivable, ...	„	XXXIII.	
„ Books shall be balanced on the 30th June and 31st December every year—Government of Bombay entitled to demand any information it may require touching the Bank from the Directors, ...	„	XXXIV.	
„ Rule regarding dividends, ...	„	XXXV.	
„ General meeting of proprietors shall be held on the first Monday of August every year, ...	„	XXXVI.	
„ Three Directors or ten proprietors competent to convene a meeting upon giving fifteen days previous notice, ...	„	XXXVII.	
„ Branch Banks may be established, subject to the rules prescribed by this Act for the Bank itself, ...	„	XXXVIII.	
„ Mode of recovering payment from proprietors who may be in debt to the Bank,	„	XXXIX.	
„ Shall continue under its present constitution till the 1st April, 1847, ...	„	XL.	
„ Schedule of the names of shareholders, ..	„	„	
Bills of Exchange—Amendment of the law for the negociation of—from 1st May 1840,	VI.	I.	

	Act.	Section.	Clause.
Bills of Exchange—Specification of the nature of acceptance—liability of acceptors defined, &c. &c., ...	VI.	II. to IV.	
„ Endorsable, except under circumstances specified, ...	„	V.	
„ Jurisdiction of the Act, ...	„	VI.	
Bombay Code—Modification of Clause 2d, Section XLV. of Regulation XIII. of 1827, of the—regarding confinement of prisoners—See "Prisoners."			
„ Extension of certain Regulations to the Agents of Foreign Sovereigns having lands in Bombay—See "Regulations."			
Calcutta—Rates of Assessment for the Town of—See "Assessments."			
Commissioners in the Abkaree Department—See "Abkaree Revenue."			
Complaints of forcible dispossession of land „ —See "Affrays."			
Convicts—Modification of the former Rules regarding management of—transported within the Company's Territories—mode in which their property shall be invested,..	XVI.	I.	
„ Governor General in Council competent to appoint Superintendents at such places where convicts are delivered,.....	„	II.	
„ Governor General in Council competent to issue orders with regard to their classification, confinement, treatment, &c.,....	„	III.	
„ Transported before and whose terms of transportation are not yet expired, subject to the provision of this Act, ...	„	IV.	
Courts Martial—Execution of sentences passed by—under Act XXIII. of 1839,.....	II.	I.	
Damages—Arbitrators empowered to levy—See "Arbitrations,"	IX.	II.	
Debts—See "Bank of Bombay,"	III.	XXXIX.	
Declarations and oaths of Hindoos and Mahodan—See "Form."			
„ Made under the authority of Act No. XXI. of 1837, or any declaration or affirmation made in Her Majesty's Courts of Justice not affected by Act V. of 1840,..	V.	IV.	
Deposits—See "Bank of Bombay,"	III.	XXXIII.	
Directors—election of—See "Bank of Bombay,"	„	XII.	
Dispossession of lands, &c.—See "Affrays,"..	IV.	IV.	

	Act.	Section.	Clause.
Disputes in taking possession of lands, &c. See "Affrays,"	IV.	III.	
Dividends—See "Bank of Bombay,"	III.	XXXV.	
Engagements—See "Memorandum."			
Establishment allowed to the Bombay Bank—See "Bank of Bombay,"	„	XXIII.	
Estates—(permanently assessed) liability of auction purchasers of such lands defined,	XX.	I.	
Factors—Amendment of the law relating to—extension to the territories of the East India Company, in cases governed by English law, of the provisions of the Statute (cited) 4th Geo. IV. Cap. 83, as altered and amended by Statute (also cited) 6th Geo. IV. Cap. 94,	XIII.		
False informers—See "Abkaree Revenue."			
Fine for breaches of the Salt Laws—See "Salt Laws."			
Fines in the Abkaree Department—See "Abkaree Revenue."			
Form of affirmation to be made by Hindoos and Mahomedans in lieu of oaths and declarations,	V.	I.	
„ Penalty attendant on false affirmations,	„	III.	
„ Any declaration or affirmation made under the authority of Act No. XXI. of 1837 not affected by the above—See "Declarations,"	„	IV.	
Futwa—dispensed with in cases referred to the Foujdaree Adawlut at Madras,	I.	I.	
George Town—See "Assessment."			
Houses of Correction within the jurisdiction of Her Majesty's Courts—See "Writs, Warrants," &c.			
Informers in the Abkaree Department—See "Abkaree Revenue."			
Jails (Civil and Criminal) within the jurisdiction of Her Majesty's Courts—See "Writs and Warrants."			
Juggernauth—Abolition of Pilgrim Taxes at—See "Taxes,"	X.	I.	
„ Temple of—Superintendance and management of its affairs, &c. &c. vested in the Rajah of Khorda,	„	II.	
„ None but *voluntary* donations to be received from pilgrims,	„	IV.	

	Act.	Section.	Clause.
Juggernauth—Liability of the Khorda Rajah to prosecution in the event of breach of trust or extortion being established against him, or the priests and officers under him—See "Khorda Rajah,".....	X.	V.	
Jurisdiction of Act IV. of 1840—concerning affrays about land, &c.....	IV	XI.	
„ Of Act VI. of 1840—concerning Bills of Exchange, ...	VI.	VI.	
Khorda Rajah—Superintendance and management of the affairs, &c. of the Temple of Juggernauth vested in the,.....	X.	III.	
„ None but *voluntary* donations to be received from pilgrims, ...	„	IV.	
„ Liability to prosecution in the event of breach of trust or extortion being established against him, or the priests and officers under him, ...	„	V.	
Land—Disputes regarding—See "Affrays."			
„ (New farmed)—Ditto.			
Licenses—See "Abkaree Revenue."			
Licenses for the sale of Liquors within the Islands of Bombay and Colaba—See "Liquors."			
Liquors (*Spirituous and fermented*) sale of—*in Bombay and Colaba—Collector of* Land Revenue and Senior Magistrate of Police in Bombay conjointly vested with powers to grant or withhold licenses, ...	XVIII.	I.	
„ Governor in Council authorized to regulate the form of licenses,.....	„	II.	
„ This Act not to interfere with the laws now in force touching the sale of,.....	„	III.	
Liquors—See "Abkaree Revenue."			
Loans—See "Bank of Bombay."			
Malacca—See "Assessment."			
Memorandum (written) rendered necessary to the validity of certain promises and engagements by the extension of Statute 9, Geo. IV. Cap. XIV. to the territories of the East India Company,.....	XIV.		
Mendicants—in Calcutta, Madras and the Islands of Bombay and Colaba—extorting alms by offensive and disgusting exhibitions, liable to imprisonment for one month, ...	XXII.	I.	
„ Repetition of offence how punishable,.....	„	II.	

	Act.	Section.	Clause.
Mendicants—Punishment where resistance is offered to any Peace Officer attempting to apprehend them when guilty of the offences above named, ...	XXII.	III.	
„ Governor General in Council empowered to extend this Act to other places besides those named above,.....	„	IV.	
Mofussil Writs and Warrants—See "Writs, Warrants," &c.			
Municipal Act—See "Assessment."			
Notes (Promissory)—See "Bank of Bombay,"	III.	XXXI.	
„ (Dittto,—See "Bills of Exchange,"....	VI.	V.	
Oaths and Declarations—of Hindoos and Mahomedans—See "Form."			
Oaths—Penalty attendant on false oaths made by witnesses before arbitrators—See "Arbitrations,"	IX.	„	
Penalty attending opposition to the execution of Magistrate's orders in land affrays—See "Affrays,"	IV.	VII.	
„ To which persons making false affirmations shall be subject,.....	V.	II.	
„ To which persons convicted of causing another to make false affirmations shall be subject,.....	„	III.	
„ For breaches of the Salt Laws—See "Salt Laws."			
„ For disobeying or obstructing the execution of writs, warrants, &c. isssued by the Mofussil authorities—See "Writs, Warrants," &c.			
„ For infractions of the Abkaree Laws—See "Abkaree Revenue."			
Pilgrim Taxes—See "Taxes."			
Prisoners—confined in any part of the Provinces of Bombay shall not be forced to labor or solitary confinement unless expressly directed by the sentence of the Court under whose warrant confined, ...	XI.	I.	
„ Court sentencing to imprisonment with labor qualified to combine solitary confinement with it,.....	„	II.	
Promises and engagements—See "Memorandum."			
Promissory Notes—See "Bank of Bombay,"	III.	XXXI.	
„ „ See "Bills of Exchange,"	VI.	V.	
Proprietors of the Bombay Bank—See "Bank of Bombay,".....	III.	after XL.	

	Act.	Section.	Clause.
Punchayets—majority of members competent to sign awards,	VIII.		
Regulations XV. of 1827 and XIII. of 1830 of the Bombay Code extended to the Agents of Foreign Sovereigns having lands and possessions in the British territory of the Bombay Presidency,	XV.		
Regulation V. of 1831 of the Madras Code amended—See "Salt Laws."			
„ XLIX. of 1793—See "Suits."			
Repeal of certain Regulations affecting the law for preventing affrays concerning the possession of land,	IV.	I.	I.
„ „ „ providing for the continuance of duties levied on pilgrims at Gyah and other places of pilgrimage,	X.	I.	
Revenue (Abkaree)—See "Abkaree Revenue."			
Salt Laws—Amendment of Regulation V. of 1831 of the Madras Code as far as regards penalties for breaches of the—Penalties recoverable before a Magistrate—restriction of fine to 50 Rupees, and if imprisonment, to one month,	XVII		
Security for Loans given from the Bombay Bank—See "Bank of Bombay,"	III.	XXVIII.	
Shareholders of the Bombay Bank—See "Bank of Bombay,"	„	after XL.	
Sheriffs—course of proceeding to be observed by—touching the execution of legal process issued by Mofussil authorities within the jurisdiction of Her Majesty's Courts—See "Writs, Warrants," &c.			
Singapore and Malacca—See "Assessment."			
Solitary Confinement—See "Prisoners."			
Statute 9 Geo. IV. Cap. XIV. extended to the Company's Territories—See "Memorandum."			
Suits—Act IV. of 1840 not to affect the trial of suits under Regulation XLIX. of 1793 which were pending before the passing of that Act,	XXI.		
Superintendents in the Abkaree Department—See "Abkaree Revenue."			
Taxes (Pilgrim) abolition of—upon pilgrims resorting to Allahabad, Gyah and Juggernauth,	X.	I.	
Temple of Juggernauth—See "Juggernauth."			
Toddy See "Liquors."			

	Act.	Section.	Clause.
Transported Convicts—See "Convicts."			
Trial of cases referred to the Court of Foujdaree Adalut at Madras—See "Futwa."			
Uncovenanted Servants—eligibility of—to the Offices of Deputy Register and Assistant Register to the Sudder Courts in Bengal and the N. W. Provinces,.....	VII.		
Vagrants—See "Mendicants."			
Warrant of Distress—See "Assessments."			
Warrants issued by Officers in the Abkaree Department—See "Abkaree Revenue."			
Witnesses—rule with regard to the examination of—in cases of arbitration—See "Arbitration,"	IX.	I.	
„ Rule regulating the attendance of—before arbitrators, ...	„	IV.	
„ Penalty attendant on false oaths and affirmations, ...	„	V.	
„ Attendance of—by process issued by the Mofussil authorities—See "Writs, Warrants," &c.			
Writs, Warrants, or other legal process issued by authorities in the Mofussil, how to be executed within the local limits of the jurisdiction of Her Majesty's Courts at Calcutta, Madras and Bombay,.....	XXIII.	I.	
„ Course prescribed for the guidance of Sheriffs in the execution, ...	„	II.	
„ Liability of such Sheriffs to be proceeded against in all matters touching their execution in like manner as if they had originally issued from Her Majesty's Courts, ...	XXIII.	III.	
„ Penalty to which all persons disobeying or obstructing their execution, shall be subject, ...	„	IV.	
„ Duty of the Sheriff to deliver the party seized or detained by virtue of such Writs, &c. either to the authority issuing the Writs or to the person charged with the execution of the same, ...	„	V.	
„ Competency of a Judge of Her Majesty's Courts endorsing such Writs or Warrants, previous to execution, to remit the same for amendment if found defective, to the authority by whom they are issued,.....	„	VI.	
„ Persons seized under this Act, bailable,..	„	VII.	

	Act.	Section.	Clause.
Writs, Warrants, &c.—Civil and Criminal Gaols and Houses of Correction within the jurisdiction of Her Majesty's Supreme Courts shall be liable to be used by the Sheriff for the purposes of this Act, ...	XXIII.	VIII.	

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